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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States parties due in 1996

MOZAMBIQUE

[21 June 2000]

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ABBREVIATIONS

AMODEFA	Mozambican Association for the Defence of the Family
ARPAC	Cultural Heritage Archives
ATV	Anti-tetanus vaccination
CDAY	Inter-Sectoral Support Committee for the Development of Adolescents and Young People
CERPIJ	Child and Youth Psychological Rehabilitation Centre
CRC	Convention on the Rights of the Child
DEA	Department of Adult Education (of MINED)
DHS	Demographic and Health Survey
EIP	Expanded Immunization Programme
EP1 and 2	Primary education, 1st and 2nd level
ESG1 and 2	First- and second-cycle general secondary education
FLRP	Family Location and Reunification Programme
GAPVU	Office to Support the Vulnerable Population
HDI	Human Development Index
HDR	Human Development Report
IAP	Institute for Teacher Improvement
ILO	International Labour Organization
IMAP	Primary Teacher Training Institute
IMP	Mid-level Pedagogical Institute
INAS	National Institute for Social Action
INEA	National Institute for Literacy and Adult Education
ISCTEM	Higher Institute of Science and Technology of Mozambique
ISPU	Higher Polytechnic and University Institute
ISRI	Higher Institute of International Relations
MCH	Mother and Child Health
MCYS	Ministry for Culture, Youth and Sports
MICAS	Ministry for the Coordination of Social Action
MICOA	Ministry for the Coordination of Environmental Action
MINED	Ministry of Education
MIP	More Individualized Planning

MISAU/MOH	Ministry of Health
MOPH	Ministry of Public Works and Housing
NAR	Refugee Support Nucleus
NES	National Education System
NFE	Non-Formal Education Programme
NGO	Non governmental organization
NIS	National Institute for Statistics
NYC	National Youth Council
OGE	General State Budget
PHC	Primary Health Care
PRM	Police of the Republic of Mozambique
PROAGRI	National Agricultural Development Programme
PRONAR	National Rural Water Programme
RPC	Committee for the Preparation of the Report on the Rights of the Child
SEAS	Secretariat of State for Social Action
SIDA	Swedish International Development Cooperation Agency
SJAM	Statute on Jurisdictional Assistance for Minors
STD	Sexually transmitted diseases
UEM	Eduardo Mondlane University
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UC	Catholic University
UP	Pedagogical University
WHO	World Health Organization
ZIPs	Zones of Pedagogical Influence

Introduction

Mozambique: the country and its people

1. The Republic of Mozambique is located in southern Africa. With a 2,470 km coastline along the Indian Ocean to the east, the country shares borders with Tanzania to the north, Malawi and Zambia to the north-west, and with Zimbabwe, South Africa and Swaziland to the west and south. The country covers an area of some 801,590 km^2.

2. In 1997 Mozambique had a population of 15.7 million inhabitants - the third largest population in southern Africa, and predominantly young. About 45.7 per cent of its inhabitants are under 15 years of age and less than 3 per cent are over 64. The country has more women than men (51 per cent) and the average life expectancy is 46 years.

3. The majority of the Mozambican population lives in rural areas where the main activity is subsistence agriculture. The most common religions are Christianity, Islam, Zion and other traditional African religions. The country has various ethnic groups resulting in a wide variety of African languages and dialects. The country's official language is Portuguese.

Political and social situation

4. Mozambique's history in the second half of the century has been marked by violence and social instability. For centuries a Portuguese colony, in 1975 Mozambique achieved its independence following 10 years of liberation struggle led since 1964 by the Mozambique Liberation Front (FRELIMO). Immediately after independence, the country came under attack from the former Southern Rhodesia; this was followed by new military aggression and destabilization by the South African apartheid regime. The last cycle of violence ended in 1992 after about 16 years of war between Renamo (Mozambique National Resistance) and the Government.

5. This last conflict in particular devastated the country's social fabric, infrastructure and all spheres of life. The social effects of the war were dramatic, with 1 million dead including an estimated 600,000 children. More than one third of the population was forced to abandon their homes, seeking refuge in towns and neighbouring countries. Thousands of citizens were disabled and many suffered the effects of starvation and the psychological trauma associated with the conflict. Vast areas of the country are still affected by the mines laid during the war and a substantial portion of economic, health and education infrastructure still has to be rehabilitated. At the beginning of the 1990s, Mozambique headed the list of the world's poorest countries and had one of the highest rates of human suffering.

6. The General Peace Agreement between the Government and Renamo put an end to this episode of violence in 1992. It was followed by a peace process which enabled millions of displaced people and refugees to return home, the demobilization of more than 92,000 soldiers from the two opposing forces, and the beginning of a process of reconciliation, reconstruction and democratization. The country's first presidential and legislative elections were held in October 1994, resulting in the election of Joaquim Chissano as President of the Republic and the establishment of Mozambique's first multi-party parliament, the Assembly of the Republic.

Economic situation

7. As Mozambique is a predominantly agricultural country, the weak development inherited from the colonial period combined with the impact of the war and frequent natural disasters have had a profound effect on the country's productive capacity. It became almost totally dependent on imported consumer goods. Its 1990 per capita income was estimated to be less than US$ 80, rising to about US$ 127 in 1997 following the introduction of economic reforms.

8. The structural adjustment programme and the new development strategy's Five Year Programme have had a substantial effect on economic growth, although its effect in terms of improved living conditions for the population is still inadequate. At the same time, with the end of the conflict expenditure on defence and security was replaced by a heavy foreign debt service burden, which has delayed much-needed investment in the social area to provide the majority of Mozambicans, particularly in rural areas, access to basic health services, education, drinking water, electricity, housing, employment and well-being. In 1996/97 the incidence of poverty in the country was still very high (about 69.4 per cent) affecting some 10.9 million people, more than two thirds of the population.

9. Nevertheless, the prevalence of peace and the country's economic performance in recent years point to a promising future in the medium and long term. The country has started to exploit its enormous agricultural, hydroelectric and transport potential. Rehabilitated power lines make it possible to export the electricity produced by the Cahora Bassa dam to Zimbabwe and South Africa, thereby taking full advantage of the enormous potential of this undertaking. Other large development projects such as the Maputo Corridor, an aluminium smelter and natural gas exploitation, as well as the privatization of hundreds of State companies and fiscal reforms, have enabled the country to increase substantially the vital foreign exchange revenue needed for the desired improvements in the people's living conditions.

The country and its children

10. Immediately after the independence of Mozambique, the commitment of families and society to the well-being and future of its children was reflected in the Declaration of the Rights of the Mozambican Child, and by ratification of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

11. Despite efforts by the Government and civil society during these difficult years, as indicated throughout this report, transforming the precepts in these instruments into reality through the creation of effective protection mechanisms and instruments, has not been satisfactory, owing to multiple factors related to the emergency situation that persisted until relatively recently.

12. Despite gradual improvements in the well-being and living conditions of children, the country still has a high infant mortality rate per 1,000 live births: 135 children die before the age of one, particularly in rural areas where the rate is 160/1,000. About 40 per cent still do not have access to basic education, and health service coverage is still insufficient in terms of both infrastructure and personnel.

13. Consequently, in the near future Mozambique faces many challenges in order to fully satisfy the rights of children. While on the one hand the various government sectors have an important role in this process, on the other hand there is also a need for a strong alliance with civil society to ensure and guarantee that all children in Mozambique have the right to survival, development, protection and participation.

I. GENERAL MEASURES OF IMPLEMENTATION (ARTICLES 4, 42 and 44.6)

14. Council of Ministers resolution 19/90 approved ratification of the United Nations Convention on the Rights of the Child without reservation. It took effect in the country's internal legal order following its publication in the Government Gazette on 23 October 1990. The ratification instrument was deposited by the Government of Mozambique in 1994. Prior to this ratification Mozambique had already adopted the Declaration on the Rights of the Child (approved by resolution 23/79).

15. Mozambique played an active role in the consultation process that culminated in the preparation of the Convention. Prior to ratification by Mozambique, this international legal instrument was studied by a number of national institutions such as the Supreme Court, the Attorney General's Office, the Ministries of Justice, Education and Health and other relevant sectors, which concluded that there was no major incompatibility between the domestic legal order and the precepts of the Convention. It was therefore ratified without reservation, despite recognition of the need to improve internal regulations relating to the rights of the child.

16. Immediately after national independence, and thus even before the conception and entry into force of the Convention, Mozambique had already adopted its own Declaration on the Rights of the Mozambican Child, containing a set of 12 basic rights. The well-known maxim of the late President Samora Machel, the first President of the Republic, "Children are flowers that never wither", symbolizes the care, protection and hope that the Mozambican people feel for their children.

17. The same year the Convention on the Rights of the Child was adopted, the Secretariat of State for Social Action (SEAS) was created. It replaced the National Directorate of Social Action under the Ministry of Health, which until then had been responsible for providing social assistance. Its objectives had included promoting the well-being of children. In 1994 the growth in social services required the transformation of the Secretariat of State into the Ministry for the Coordination of Social Action (MICAS). Presidential Decree 3/95 assigned the following functions to MICAS:

> To direct and coordinate all initiatives relating to children;
>
> To organize and guide a system of services able to guarantee action and support for women, children, the disabled and the elderly;
>
> To provide assistance to children who are orphans, destitute and without family support;
>
> To provide assistance to pregnant women and mothers of newborn babies living in poor households;

To prepare legislation on protection, support and the development of children;

To conduct studies on the various groups of children in difficult circumstances, in order to make government programmes in this field more effective.

18. In order to achieve its mandate on children, MICAS established a Department for the Child, Women and Family, to disseminate and promote the rights of the child. Given its functions and mandate, following Mozambique's commitment at the 1990 World Summit to implement the World Declaration on the Survival, Protection and Development of the Child, MICAS determined that priority should be given to revising the legislation covering its various areas of intervention, namely: on the family, women and children, the disabled and the elderly. Legislation had to be made more appropriate and adequate to the current needs of Mozambican society and harmonized with the various international legal instruments ratified by the country.

19. In 1994 MICAS began a preliminary survey of existing laws, legal norms and decrees covering minors, in order to identify and compile the legal documents requiring reformulation in order to bring them into line with the spirit of the Convention on the Rights of the Child. But the project was interrupted shortly after it began due to lack of funds. It was resumed in early 1998, with assistance from UNICEF and WHO. The project's main activities are:

The collection, systematization and compilation of legislation relating to minors in the pre- and post-independence periods;

A study of this legislation, the identification of gaps, unconstitutional and illegal aspects, and the preparation of technical-legal opinions on how to resolve the problems identified;

Dissemination of current legislation; research and the collection of opinions on children's rights in civil society;

Formulation of proposals on norms with immediate effect to permit the practical application of the norms of the Constitution and the international conventions signed by Mozambique;

Preparation of a proposal on norms that would permit the promotion and protection of the rights of the child in Mozambique.[1]

20. Many of the legal references contained in the analysis in the present document of the implementation of the Rights of the Child are based on the collection and compilation work done under this project, and contributions by the Attorney General's Office.

21. In parallel with this exercise, the country is undertaking a comprehensive revision and reform of important legal codes that will improve the legislative framework concerning minors. This process includes the revision of the Constitution, of the Family and Inheritance Law, and revision of the Civil and Penal Codes. In addition, new legal dispositions have gradually been introduced that contribute to implementation of the Convention on the Rights of the Child.

The following warrant special mention: the Law on the Consumption and Illegal Traffic of Drugs, the Law Regulating Access by Minors to Nightclubs and Prohibiting the Sale of Alcoholic Beverages and Tobacco to Minors under 18 in Public Places, and the new Press Law.

22. Mozambique's acceptance, compliance with and application of the principles contained in the Charter of the United Nations and the Charter of the Organization of African Unity is based on its Constitution (art. 63). In addition to the Convention on the Rights of the Child, Mozambique has also subscribed to the African Charter on the Rights and Welfare of the Child, as well as many other international legal instruments that will be mentioned in the relevant chapters in this report. Once ratified and adopted by the country, these instruments become part of the country's legal order, although in cases of conflict domestic legislation prevails.

23. It will be seen from the analysis of the application of the various articles and rights of the Convention throughout this report, that both the Constitution and various other legal texts and national policies and strategies recognize the rights specified in the Convention, the provisions of which can be directly invoked in court and applied by public authorities.

24. The Social Action Strategy for the Child adopted by the Government in 1998 defines the priorities and principles for ensuring the well-being of children under 18 in difficult circumstances, and is intended to guide efforts to eradicate all social evils harmful to children - such as being abandoned, violence, delinquency, social exclusion and destitution. It is based on the principles of respect for a child's best interest, non-discrimination, and participation by the child, the family and society in promoting the defence of a child's rights, in the light of the Constitution, the Declaration of the Rights of the Mozambican Child, the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child. It also recognizes that effective achievement of the rights of the child requires complementary actions, a strong commitment and combined efforts by the State and civil society to protect the comprehensive development of the child. The Strategy also seeks to establish a culture of respect for the rights of the child, recognizing its individual and collective needs and committing the family, the State and the various sectors of society to satisfying the basic needs of the child. The Strategy thus aims to help change attitudes in individual, family and institutional practises in order to protect the destitute child from ill-treatment through sexual abuse and other forms of violence that inhibit or impede its adequate development.

25. In 1993, even before the adoption of the Strategy, work began on the preparation of the National Action Plan for the Child, at the time when the country was emerging from a long war with all its dramatic consequences for the population in general and children in particular. The Plan of Action established the main post-war activities and targets for children in health, education, water and sanitation, food security, nutrition and child development in general. The intention underlying the National Action Plan for the Child was to create an instrument that would mobilize and bring together all initiatives by national and international entities to address the problems affecting children, thereby creating conditions for their integral development. However, owing to lack of funds and the institutional changes that occurred when the new Government took office following the 1994 general elections, the preparation and adoption of the Plan were interrupted.

26. In 1998, following an initiative by a consortium comprising UNICEF, the Save the Children Alliance and the Community Development Foundation, a proposal on the development of an Action Agenda for the Mozambican Child was presented to the Ministry for the Coordination of Social Action. The proponents hope that the agenda will be "an action plan to guide and coordinate the work of organizations supporting children so that they can expand and accelerate their work on the rights of children in Mozambique". The agenda envisages an alliance between Government, civil society and national and foreign non-governmental organizations. It will be used as "a guide for advocacy, social mobilization, and for programming the efforts of organizations and groups in order to achieve a set of objectives for Mozambican children over the period 2000-2010".

27. The country still has no organized system for gathering data on children and their basic rights capable of assessing tendencies, priorities and children's needs. Some sectors have mechanisms for identifying indicators and gathering statistics, in particular in the Ministries of Education, Health and the National Institute of Statistics. The Ministry for the Coordination of Social Action also has data-collection systems covering the children benefiting from its programmes, particularly in the provinces. In addition, the Community Development Foundation funded a study to identify the need for and viability of establishing a regular system of global indicators on children and records of organizations providing services for children. Following the study, data-collection and processing systems covering information from the formal sector and rural communities were developed. A pilot project was launched at the end of 1998 to train community volunteers in data collection in their villages.

28. In accordance with article 42 of the Convention, a national strategy for publicizing the rights of the child Convention has been prepared in order to inform and encourage children, families, institutions and the public in general to respect and apply the principles and precepts of the Convention. The Convention on the Rights of the Child is still only available in Portuguese, although some articles have been translated into local languages for dissemination among rural communities. For example, in Inhambane the local Mozambique Radio station broadcast 18 texts and produced three radio plays in Portuguese, Xitsua and Bitonga. A video film on the rights of the child in the local language, Sena, was produced in Sofala, in the centre of the country. In Zambezia, 2,000 copies of a brochure on the Convention, the African Charter and the Declaration of the Rights of the Mozambican Child were published.

29. Moreover, even before it was ratified the Convention on the Rights of the Child was already being publicized. In 1990, for example, 10,000 copies of a comic strip brochure on the rights of the child were produced.

30. Over the last nine years there have been a number of other activities under the Strategy to publish the Convention and inform public opinion about its principles and provisions. The rights of the child are constantly being disseminated by the media, for both children and adults, as can be seen in the chapter on the right of children to information.

31. Dissemination of the rights of the child is the main theme of annual celebrations marking 1 and 16 June, International Children's Day and the Day of the African Child, respectively. Over approximately three weeks (from the last week in May until 16 June) the "Children's

Fortnight" is celebrated. The annual commemorative activities centre on a specific theme. For example, in 1996 the celebrations focused on iodized salt, given the high rate of goitre in some provinces.

32. In 1997 the theme was "Child prostitution and sexual abuse of minors" in response to recommendations by the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996. In 1998, in the light of the consequences of landmines for children, the theme of the celebrations was "Towards an Africa free of mines", given the widespread presence of mines laid during the war, their effects on the population and on children in particular, and in response to the international campaign for the convention on the elimination of landmines. That convention was ratified by the Government in May 1998.

33. In 1999 the theme was "The child and the environment". The main events were organized jointly with the Ministry for the Coordination of Environmental Action which held a National Environment Festival in Niassa province on 1 June. Indeed, given the proximity of International Children's Day to 5 June, the International Day of the Environment, celebrations of the latter have always focused on children and the environment. There are lectures and other commemorative, educational and awareness-raising activities in schools during the Children's Fortnight.

34. The central 1 June celebrations take place in a different province each year and are usually directed by the President of the Republic who makes an appeal to the nation to "Put children at the top of the agenda". That day is considered a holiday and there are no lessons. The date is dedicated exclusively to reflection and promoting the rights of children through cultural, recreational and sporting activities focusing on the promotion of their rights.

35. In 1994, Elections on the Rights of the Child were held, involving 180,000 children. The elections were accompanied by publicity campaigns on the rights of children in schools and in the media, particularly radio and television. The rights which obtained the largest number of votes were:

The right to study;

The right to family protection;

The right to housing.

36. The elections constituted a unique moment as they coincided with the country's first general democratic elections after many years of war and suffering. They were the first experience of directly consulting children about their aspirations and priorities. Subsequently, however, plans to address these aspirations and desires encountered a number of problems. Nevertheless, the merit of the elections was the massive participation of children and the opportunity they provided for the wide dissemination of the rights of the child contained in the Convention and in other national and international documents.

37. Debates and plays are also an important way of disseminating children's rights, particularly in schools, urban suburbs and districts. For example, in Inhambane province children and adults participated in over 50 debates. The rights of the child were also disseminated through drawing and essay competitions on the subject in schools, childcare centres and youth associations.

38. In order to inform civil servants about the Convention and to train people who work with or for children, in recent years there have been seven seminars to publicize the Convention in seven provinces (Cabo Delgado, Niassa, Tete, Zambezia, Sofala, Inhambane, and Maputo City). The seminars were attended by representatives from the Provincial Directorates of Social Action, Culture Youth and Sport, Education, Health, Industry Commerce and Tourism, the Public Prosecutor's Office, the Police Command, the media and NGOs working with children. The seminars covered the following issues:

The history of human and children's rights;

Principles and content of the Convention;

The significance of ratification and the commitments assumed;

The role of each institution in implementing the Convention.

Subjects related to juvenile justice and child rights have been introduced into police training courses.

39. Following the seminars and as part of the preparation of this report, Nuclei for the Rights of the Child comprising representatives of the above-mentioned entities were created in all provinces and in some districts. In addition, with the same objective Inhambane province organized nine district seminars attended by 189 people from a variety of sectors. In Sofala province there were six sector seminars to build the capacity of officials from the police, justice and the Public Prosecutor's Office, a course for journalists and three for Social Action staff. In Manica province, in the centre of the country, there were nine training seminars on children's rights for civil servants and NGOs at province and district level.

40. National and international NGOs have played an important role in funding and organizing the various awareness and promotion campaigns on the Convention. For example, together with MICAS, the Save the Children Alliance and UNICEF have trained their staff to provide training on the Rights of the Child. In order to facilitate training by the entities concerned, training packages have been prepared for civil servants, deputies, teachers, educators and NGOs, in order to influence implementation of the rights of the child. United Nations agencies and national and international NGOs have played an important role in conceiving, funding and implementing numerous programmes and projects for children.

41. The preparation of this report provided a unique occasion not only for publicizing the rights of children but also for reflecting on the progress achieved in their implementation. By bringing together many people linked to assistance to minors, both at central level and in the provinces and districts, the preparation of the report became more than just a formal act.

It provided an opportunity to analyse the laws, policies and programmes implemented since the Convention was ratified, to evaluate the main principles and mechanisms adopted and in the process identify gaps and weaknesses that demand greater interdisciplinary work in addressing the needs of children, especially children in the most vulnerable social groups. The information gathered for this document has laid the foundations for defining a profile of the Mozambican child and for the adoption of an action agenda.

42. The central objective of the Government's Five Year Programme 1994-1999 is to improve the satisfaction of the fundamental needs of the people, the most vulnerable groups in particular. Consequently, through concrete activities in education, health and employment the Government aims to reduce absolute poverty and improve social assistance for specific target groups such as women, the elderly, the disabled and children. The government budget is divided into expenditure for running costs and investment. The current budget (running costs) covers the payment of civil servants' salaries and also expenditure on electricity, water, fuel, vehicle maintenance and other material expenditure (office materials and others). Salaries account for more than 76 per cent of this expenditure. As regards the distribution of the budget by sectors, Health continues to receive the largest proportion, followed by Education, averaging 4.5 per cent and 2.2 per cent respectively. Social Action receives about 0.2 per cent of the current budget. While the Social Action budget has tended to remain stable, between 1992 and 1993 the Health and Education budgets rose sharply and then more or less stabilized from 1995 onwards. This has been possible owing to reductions in budget allocations for defence and security, resulting in increased allocations for the social sectors.

43. As regards the investment budget, the Education allocations rose substantially in 1992/93 but then declined and stabilized somewhat in 1995/96; external support for reconstruction programmes continues to be important. Since 1993 the Health sector has seen a substantial rise in investment, with over 80 per cent of the budget covered by external assistance.

44. Budget allocations for social expenditure for children in Health and Education are dealt with below in the respective chapters of this report. There are no data on expenditure on children in sectors with activities related to protection, such as the Juvenile Court, the police and other institutions linked to the administration of justice for minors. In MICAS, the entity with responsibility for promoting the well-being of children, a number of specific programmes are being funded by external assistance and State resources. In 1998 it ran 18 kindergartens (see details in chapter V.G, below) for 1,697 children and some 375 pre-schools attended by 18,290 children. Overall, these institutions have received less than 40 per cent of the budget they require in order to operate properly.

45. The country has eight orphanages caring for 426 unaccompanied children. There are also more than 40 projects providing assistance for children, run in partnership with national and foreign non-governmental organizations and which account for most of the external resources provided to this sector.

46. Over the period 1990-1998 MICAS operating expenditure was less than 0.5 per cent of the government budget. Table 1 below shows the evolution of the MICAS budget. These funds are for salaries of government employees, expenditure on materials and other current

expenditure. Expenditure on food for children in children's centres and orphanages, the promotion and dissemination of the rights of the child, are supported by grants from non-governmental organizations and other civil society associations.

Table 1: MICAS current budget (goods and services)
(1,000 contos)

1992	1993	1994	1995	1996	1997
322.8	472.4	563.8	1 633.8	3 841.4	3 404.1

Source: Directorate of Planning and Cooperation, MICAS. 1998.

47. The investment budget is totally covered by the State. Owing to cyclical factors related to the democratization process, strong intervention by NGOs and other humanitarian organizations working in the social welfare field, the State reduced the MICAS investment budget to less than 1 per cent of the total, a level that remained until 1998. This does not satisfy the real needs of the sector, as the minimum requirements for one childcare institution are 2 million contos per year.

48. In 1995, the budgetary requirements for social welfare programmes targeting specific groups (children, the elderly, the disabled and absolutely poor families) in about 60,000 households were estimated at some 34,100 million contos. Of this amount, 67 per cent corresponded to payments to poor households and 19 per cent to absolutely poor households, with 5 per cent for administrative costs. The cost of these programmes was supported by the government budget to the amount of US$ 11.4 million a year. This corresponded to 2 per cent of the State budget and was equivalent to 1.5 per cent of the country's annual external assistance.

49. The preparation of this report took eight months and was directed by the Ministry for the Coordination of Social Action. A national Report Preparatory Committee (RPC) was established comprising representatives of the following ministries:

Ministry for the Coordination of Social Action;

Ministry of Health;

Ministry of Education;

Ministry of Justice;

Ministry of Planning and Finance;

Ministry of Home Affairs;

Ministry of Labour;

Ministry of Culture, Youth and Sport.

Other ministries not directly involved in the RPC were requested to provide additional information and opinions on various relevant issues. These were the Ministry for the Coordination of Environmental Action, Public Works and Housing, Agriculture and Fisheries, Commerce Industry and Tourism, and National Defence. In addition to these government entities, the Attorney-General's Office and the Juvenile Courts were represented and participated in the RPC. Other invited institutions were the Institute for Social Action, the National Institute for the Development of Education (INDE) and the Nucleus for Support to Refugees. Civil society was represented by the Mozambique Red Cross, the Human Rights and Development Organization, the Community Development Foundation. Save the Children UK and UNICEF provided the necessary financial support, representing an alliance of organizations that included Redd Barna (Norway). A more restricted group of RPC members were elected as the editorial nucleus. Its task was to make a deep analysis, recommend supplementary actions and select from among the various contributions which information should be included in the report.

50. Multidisciplinary commissions or committees were established in the country's 11 provinces with functions at local level similar to those of the RPC, guided and coordinated by the Provincial Directorates for the Coordination of Social Action. However, in addition to the provincial representatives of the national RPC members, the provincial commissions had stronger participation by the provincial commissions - national and foreign NGOs, religious confessions and other social groups. These commissions also had the job of gathering information and listening to opinions of the various district and local stakeholders.

51. All the entities represented on the RPC and the provincial commissions had to gather and provide information and data on performance and activities pertaining to children's rights in their respective sectors, to analyse the information provided by other sectors to which they were related, and to reflect on the question of CRC implementation in Mozambique. This document is thus a compilation of the most relevant aspects of the reports produced in each province, with district participation, as well as the information provided and discussions in the RPC.

52. When the report was in the planning stage, it was intended that the first draft would be publicized and subject to public analysis. However, owing to financial constraints this was not as comprehensive as desired, particularly at provincial and local levels. As an alternative, the RPC distributed the first draft to all the ministries and NGOs involved in the process and subsequently organized a national seminar to analyse it.

53. The seminar was attended by 80 representatives of ministries, justice administration bodies, national and foreign NGOs, and United Nations agencies. All the provinces were represented by the Provincial Directors for the Coordination of Social Action, who were instructed to present the conclusions and recommendations of the meeting to their respective provincial governments and committees, with the request that they study the report and submit additional comments.

54. Before the final report was presented to the Council of Ministers it was again distributed to ministries and other relevant government and civil society institutions for final verification. All the contributions received throughout this process were analysed by the RPC and taken into account when the report was revised.

II. DEFINITION OF THE CHILD (art. 1)

55. In the Republic of Mozambique children come of age when they are 21. According to article 122 of the current Civil Code, at that age the law considers that an individual has acquired full capacity to exercise his rights, and is responsible for his own person and able to own property. As regards the exercise of political rights, article 73 (2) of the Constitution assigns electoral capacity to citizens over the age of 18, who can vote or be elected, except for those legally deprived of this right.

56. Under article 42 of the Penal Code, criminal responsibility is acquired at the age of 16. This means that individuals under this age cannot be subject to a punishment that deprives them of their freedom; the only possible punishments applicable to them are protection, assistance or educational measures.

57. Criminal protection measures are established in various other legal statutes, such as the Civil Code, where article 488 (2) guarantees civil protection for minors when it establishes that minors under 16 years old are not criminally liable. In addition, article 107 of the Penal Code stipulates that a minor under 21 and over 16 has limited liability and is thus protected against the application of major prison sentences of 12 to 16 years. This means that life sentences cannot be applied to minors, even if they are over 16 years old. The Constitution bans the death penalty in Mozambique.

58. Article 123 of the Civil Code establishes that individuals who have not come of age cannot undertake legally regulated acts or acts regulated by and falling under civil law. This incapacity however can be surmounted by parental power and guardianship, although in some cases the law requires prior authorization from the Juvenile Court.

59. In the medical field, children do not need their parents' consent to obtain clinical assistance, as long as this does not imply surgery. Surgical intervention for individuals under 18 years of age requires the written consent of their parents or any other person responsible for them. The law recognizes the right of a pregnant minor to visit a mother and child health centre. Ethical procedures observed in hospitals determine that the express authorization of parents or guardians is required for a legal abortion.

60. Given the impact of the war and its destruction of the school network and the general structure of the country's education system, under the new education policies it has been decided that mandatory school attendance is an objective to be achieved gradually. The Council of Ministers shall determine the rate of implementation, in the light of the country's socio-economic development. Consequently, there is no rigid determination of ages for mandatory school attendance. It is however stipulated that the legal age for admission to basic primary education is six years. The State tries to encourage the registration of school-age children and their continuation throughout the seven classes that make up basic education.

61. Article 41 of the earlier Labour Law (Law 8/85) that was in force between 1985 and 1998 stated that an individual could only be admitted as a worker if he was at least 18 years old. There were however special exceptions allowing young people aged 15 to 18 to be employed if authorized by their legal representatives. The same law also required Ministry of Education authorization in cases where school-age children were interested in doing remunerated work.

62. Under the new Labour Law 8/98, published in July 1998, legal capacity to work is now acquired at the age of 15 years, with the possibility of minors aged 12 to 15 being allowed to work under special circumstances. The conditions governing the employment of minors are presented in detail in the appropriate chapter on work by minors (see VIII.C.1 infra).

63. The marital age is 18, although boys aged 16 and girls aged 14 can be allowed to marry if they have the consent of their parents or guardian, or through "emancipation".[2] The definition of the minimum age for marriage is affected by the traditional and religious environment that influences many marriages in the country. In general, marital age is related to the concepts of child and adult and marriage can thus take place at ages lower than those stipulated by law, as described below.

64. As regards the age when the first sexual relations take place, the 1997 Demographic and Health Survey found that the median age for the first sexual relationship was 15.9 years for women and 18.3 years for men. The same survey found that the median age for the first union was 17.1 for women and 22.3 for men. This means that women begin their sexual experience approximately one year before getting married and two and a half years earlier than men.[3]

65. Under article 2 of the Military Service Law, the duty to do military service and comply with the resulting military obligations starts at the age of 18, when citizens must register under the military census.[4] This is also the minimum age for special recruitment, a category which includes voluntary military service. Actual incorporation usually takes place in the year the citizen completes 20 years of age. The law currently in force in Mozambique thus clearly prohibits the involvement of individuals under 18 years of age in military acts.

66. Current legislation does not expressly prohibit the consumption of alcohol and tobacco by minors. However, Law 3/97 prohibits the sale of alcoholic beverages and tobacco to minors under 18. Article 40 of the same law regulates the protection of children against the use of drugs, with aggravated penalties when such substances or preparations are provided to or destined for minors. In general it is clear that Mozambican society condemns consumption of these substances by children, even though traditional practices allow children to consume a small amount of traditional alcoholic drinks as part of certain religious rituals.

67. In addition to the need to harmonize domestic legislation with international law, the full observance of children's rights in Mozambique requires that a third aspect be taken into account. This is customary law, cultural and religious practices and African tradition in general. During the preparation of this report, various religious and community leaders had the opportunity to express their own opinions and those of the groups they represent with regard to the definition of the child and the minimum age for various cultural, religious and local tradition purposes. The definition of these concepts varies by region, ethnic group and religious confession. On the whole, however, the definitions are somewhat similar.

68. The concept of child is not usually linked to a specific age but is determined by a set of physical and mental transformations. A study on the rights and responsibilities of children in Manica province by the Cultural Heritage Archives (ARPAC) shows that communities consider that a child is gradually integrated into society as an adult through daily and continuous training. It is felt that children are not sufficiently mature to participate in decision-making and that their

physical development makes them dependent on the work of adults. The study found that children in Manica are distinguished from adults by the kind of illnesses they get, particularly infectious diseases such as chickenpox, measles or other illnesses considered inherent to children. This means that anyone who no longer has this kind of health problem is no longer considered a child.

69. Rural communities usually consider that a girl is no longer a child when she has her first menstruation. This is when initiation rites take place or are concluded and she is ready for married life. In the case of boys, it is their physical development and ability to undertake activities that usually correspond to the work of male adults (hunting, building houses, fishing, agriculture, etc.) that determine their aptitude for marriage and to support relatives. One curious aspect mentioned by Inhambane province is that sometimes the concept of the child is related to intellectual capacity or the mental health of an individual. Consequently, mentally retarded people are considered children; they are not given any responsibilities and deserve protection, irrespective of their age.

70. During the preparation of this report it was found that in Cabo Delgado and Niassa provinces some rural communities practise initiation rites on girls even before their first menstruation, sometimes when they are only seven years old. This places the children concerned in situations which could potentially impede their achievement of some basic rights such as access to education and other aspects that help build their personality.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

71. In Mozambique the right to equality is an established constitutional principle as defined in article 66 of the Constitution:

> "All citizens are equal before the law, have the same rights and are subject to the same duties irrespective of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, marital status of parents or profession."

In addition, article 67 of the Constitution unequivocally establishes gender equality when it establishes the equality of men and women before the law in all areas of political, economic, social and cultural life.

72. These constitutional norms clearly mean that minors - male or female - are equal before the law. They enjoy the same rights as other citizens, except when certain ages are required in order to enjoy some rights to the full, such as for example the right to vote or be elected, to marry, to have access to certain places, etc. according to the minimum age requirements reported in the previous chapter. These exceptions cannot be interpreted as forms of discrimination as they are influenced by the principle of the child's best interest, and seek to protect the child from negative influences or help the child to benefit from certain services.

73. Non-discrimination against children is more explicit in article 56 (4) of the Constitution, which prohibits discrimination against children on the grounds of birth.

74. These constitutional dispositions mean that the international norms ratified by the country - the Convention on the Rights of the Child, the African Charter of Human and Peoples' Rights, the African Charter on the Rights and Well-being of the Child and the International Covenant on Civil and Political Rights - are reflected in domestic legislation.

75. Prohibition of discrimination against children is not clearly established in ordinary legislation. It thus needs to be addressed by legislators during the current work on the reformulation of legislation on minors. Indeed, and possibly due to this legal void, there are no recorded cases of judicial intervention or the punishment of people committing offences against the principle of equality and non-discrimination.

76. The principle of equality and non-discrimination is, however, reflected in various codes, including Law 6/92 on the National Education System (NES). The law states that the NES is guided by the principle that education is "a right and duty of all citizens". The same law also guarantees basic education for all citizens and ensures all Mozambicans access to vocational training, establishing educational support and complementary measures to promote equality of opportunity in school access and achievement.

77. One of the current and future priorities of the Government is to gradually eliminate the disadvantages faced by rural children compared to access to rights and services in urban areas (especially education, health, civil registration). This is to be achieved by expanding social service networks to the less developed parts of the country, in particular areas that were heavily affected by the war. An interesting example identified in Niassa province during the preparation of this report was the effort by local authorities to strengthen the school network in poor and remote areas inhabited by the Yao people, where the educational level of their children is very low, and to make adults aware of the importance of education.

78. There is no record of systematic or deliberate discrimination against children on the basis of colour, social or ethnic origin or for any other reason, including xenophobia or negative and discriminatory attitudes towards refugee children.[5] Nevertheless, in collaboration with NGOs and civil society in general, the Mozambican State is pursuing an active approach to prevent or eliminate disparities and negative attitudes resulting from ignorance, prejudice, and traditional or religious practices that might promote discrimination against children. These factors appear mainly in relation to girls (especially in rural areas), children with disabilities, and children belonging to other vulnerable groups such as street children.

79. In general, during the reflection that took place during the preparation of this report, participants in all provinces expressed the concern that girls continue to be subject to discrimination, both within the family and in society in general, especially in rural areas. This discrimination takes various forms, the most common being: less access to education, exploitation in various kinds of work, and subjection to premature marriage. A disabled child who is also female suffers twofold, as children with disabilities are another group that suffers discrimination, starting with their own families and their communities. A study in 1996[6] found that in some parts of the country parents have negative attitudes towards their disabled children to the extent that they deny their right to life at birth and deny them access to education, given the special conditions required to enable them to go to school.

80. In the case of girls, Mozambique has subscribed to the Beijing Declaration and various initiatives are under way as follow-up to the Fourth World Conference on Women. These include the Education for Girls Project, implemented by the Ministry of Education and various NGOs (described in detail in chapter VII.A), aimed at eliminating gender disparities in access to education.

81. Disabled children's access to their rights is also receiving special attention by Mozambican society. In addition to the formulation of legislation to defend their interests, there have been a number of other activities to counter prejudice against the disabled, described below in the chapter on disabled children (chap. VI.A).

82. There have also been awareness-raising and public education campaigns to change discriminatory attitudes towards street children and to promote their rights, especially in areas where this phenomenon is most common, and the Government and civil society are taking initiatives to assist these groups.[7]

B. Best interests of the child (art. 3)

83. The principle of the best interests of the child is not expressly established in the constitutional text, nor is it directly expressed in ordinary legislation. However, it is present in and inherent to the application of various other basic principles relating to the rights of the child, such as non-discrimination, survival and development, and respect for their opinions. All these principles are relevant to determining what constitutes the best interest of the child, whether individually in a specific situation, or when defining the best interests of children as a group.

84. Given its role, objectives and function in protecting children at risk, the Juvenile Court is a clear affirmation of the notion "in the minor's interest", as this institution always takes decisions that are considered to be for the minor's benefit, providing legal protection and defending his/her rights. In addition, various provisions of the Civil Code and the Penal Code state that decisions taken in relation to minors by parents or the authorities should take into account the interests of the children concerned. This is shown in detail in various chapters in this report, as for example on adoption (chap. V.H), or on the accommodation of children deprived of a family environment (chap. V.G). Indeed, in court cases involving marital conflict and the separation of the parents, a major concern is to safeguard the interests of the minors involved, so as to guarantee their maximum protection and satisfy their emotional and survival needs.

85. Some recent legal codes provide important examples of the principle of respect for the interests of the child. These include approval by the Assembly of the Republic of the law regulating the access by minors to nightclubs and prohibiting the sale of alcoholic beverages and tobacco to minors under 18 in public places, and the law on the consumption and illegal traffic in drugs, covered in the relevant section of this report. An underlying concern in all these provisions is priority for the protection of minors and their short-, medium- and long-term interests.

86. Concrete examples of respect for the principle of the best interests of the child are given in the various parts of this report, covering different aspects of the application of rights. For example, the chapter on parental responsibilities and guidance emphasizes the role of parents in

satisfying the best interests of dependent minors. In addition, the circumstances under which suspension of parental power can be requested, cited in article 1910 of the Civil Code and article 108 of the Statute on Jurisdictional Assistance to minors, are clear examples of the application of this principle.

87. In cases where legislation relating to minors contains omissions, this principle has formed the basis for court decisions affecting children. During the country's recent emergency situation due to war and natural disasters, decisions on what to do with the children affected usually depended on what constituted their best interests under the circumstances. For example, in many parts of the country affected by the conflict, their safety and survival meant that children had to be evacuated to a safe place even if this meant their being temporarily separated from their families. In addition, there is the principle of placing unaccompanied children in a family environment rather than in institutions - the preferred option being families where they have some kind of kinship link, or which belong to the same ethnic or linguistic group.

88. The principle that minors are not criminally liable and the prohibition on restricting the freedom of minors or their subjection to degrading penalties or treatment, described in the relevant chapters, provide other examples of respect for the principle of the best interests of the child. Finally, it should be noted that in the case of refugee children (see chapter VIII.A.1 infra), when a person is accompanied by a spouse and dependants he has a certain priority in being assigned refugee status.

89. As the principle of the best interests of the child is not clearly expressed in legislation, and as there is no national action plan for children,[8] there is no uniform or systematic acceptance of the importance of this concept at central, province or local levels. It is sometimes absent from the definition of policies that are important for the lives of children, as in case of urban planning and development, or housing policies. For example, as there is no mandatory allocation and conservation of recreational areas for children in urban development plans, the number of such places has declined or they are virtually non-existent in large towns, due to increased construction. In the absence of such spaces, roads and pavements become the only places where children can play, with all the negative consequences arising from their exposure to this situation. In all the provinces more than 90 per cent of cases of people being run down by cars involve children, precisely because the principle of the interest of the minor is not reflected in appropriate signals on public roads, and there is no appropriate protection mechanism in the most dangerous and vulnerable places (see V.J infra).

90. As noted in the chapter on General Measures of Implementation, given the country's rehabilitation problems and its foreign debt burden it has not yet been possible to allocate sufficient budgetary resources to implement the economic, social and cultural rights of children in keeping with the principles of their best interests. This would mean increased resources not only for education, health and social action but also in areas such as civil registration services, the media, the juvenile court, the establishment of reformatories, as well as juvenile justice administration bodies in general. Nevertheless, one of the mechanisms adopted by the Government to counter the negative effects of the war and the structural adjustment programme on the most disadvantaged and vulnerable groups was the creation of the National Institute for Social Action, the objectives and functions of which are described in the relevant chapter (VI.D).

91. The treatment of children who have been deprived of their families and live in children's homes and similar institutions is another source of concern. The relevant authorities have not established strict standards for these institutions, and there is no regular inspection to check on observance of basic principles relating to the rights of the children living there. These standards should establish rules for health, education, safety, number of children per room/dormitory, food, number of workers per child and their technical capacity, as well as observance of all principles relating to the rights of children.

C. The right to life, survival and development (art. 6)

92. In keeping with the international precepts and instruments adhered to by Mozambique and mentioned in previous chapters, a child's right to life and to grow up in an environment that guarantees his/her survival and harmonious development at all levels, compatible with human dignity, are covered and protected by the Constitution. Article 70 of the Constitution states that "every citizen has the right to life, has the right to physical integrity and cannot be subject to torture or cruel and inhuman treatment". This right enjoys absolute protection, as, for example, in the constitutional prohibition of the death penalty in the country (art. 70).

93. Under ordinary legislation, the right to life is established in various codes, including article 70 of the Civil Code which establishes legal protection from unlawful offences or threats of offences against citizens. Under article 368 of the Penal Code homicide is a crime, even when involuntary, which carries a prison sentence of one month to two years. These sentences are increased in cases when manslaughter arises from an unlawful act and is done in an unlawful place, time or manner.

94. The law also extends the right to life to intra-uterine life, with a total ban on attempts to interrupt pregnancy. Consequently, at any time during gestation and irrespective of the age of the foetus, its viability or its regular formation, abortion is a crime (article 358 of the Penal Code). The penalty for this kind of crime is two to eight years in prison, and it can be denounced by any citizen with knowledge of such. The voluntary interruption of pregnancy can only take place under strict conditions and in official hospitals, under certain special circumstances when other constitutionally established rights are at stake, for example, when the life or dignity of the mother is at stake.

95. Infanticide, defined as interrupting the life of an infant during the first eight days after birth, is punished with 20 to 24 years in prison, but 2 to 8 years when perpetrated by the mother (article 356 of the Penal Code). As in the case of abortion, it is a public crime that can be denounced by anyone having knowledge of it.

96. Safeguarding and protecting the life and survival of children are important principles underlying the National Health System in Mozambique. In addition, public education strategies on modern family planning methods have had a positive effect in reducing clandestine abortions as a way of avoiding unwanted births. Nevertheless, as mentioned in the chapter on Health (VI.B infra), clandestine abortions are still one of the main causes of maternal mortality, especially among young mothers.

97. Although they are slowly improving, the country's mortality indicators continue to be high, with an estimated gross mortality rate of 18.6 per 1,000 inhabitants. The infant mortality rate is estimated to be 134 per 1,000 live births, and the maternal mortality rate 1,500 per 100,000 births.[9] AIDS is another potential cause of mortality; official statistics indicate that about 10 per cent of child mortality is due to AIDS (NIS, 1998 c).

98. Since the war and its consequences (starvation, malnutrition, lack of health care, mines, aggression, etc.) was one of the main causes of infant mortality between 1976 and 1992, the efforts of Mozambicans to achieve peace is an example of safeguarding the right of children to life and survival. Although the consequences of the war are still being felt, with the end of the armed conflict infant mortality rates, which used to be the highest in the world, have been falling (but are still a source of concern, particularly due to the impact of HIV/AIDS).

99. The Government of Mozambique and civil society have been in the forefront of the international coalition to eradicate anti-personnel mines. Mozambique has adhered to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. In May 2000 the country hosted the First Meeting of the States Parties to the Convention.

100. As a result of the colonial war and the more recent cycle of violence, it is estimated that there are about 2 million landmines in Mozambique. These weapons continue to kill and mutilate defenceless citizens, women and children in particular, who live in an environment of constant terror and tension, despite the fact that the country is no longer at war. Landmines also affect the resettlement process and the return of people to agriculture. According to the National Campaign Against Mines, an estimated 12,000 people have been disabled by mines.

101. Given the instability and death caused by these devices, the Government of Mozambique, civil society and their international partners have committed themselves to a coordinated effort to remove and destroy landmines, a prerequisite for ensuring the survival of children in severely affected areas. According to official data[10] 48,000 anti-personnel mines have been located and destroyed. About 10,000 km of road have been demined as well as 10,000 hectares of agricultural land and land for other economic and social activities. Other sources indicate that the demining effort has located and destroyed 271 anti-tank mines, 20,000 items of unexploded ammunition and 26,000 small-calibre ammunition.[11] Strategies to help mine victims are reported in detail in the chapter on Disability (VI.A infra).

D. Respect for the views of the child (art. 12)

102. The question of respect for a child's views is not established in the Constitution, nor is it clearly expressed in ordinary legislation. However, it is current practice to respect this principle when authorities have to take decisions affecting a child's interests. This is the case when children are given the possibility to express their views and desires in cases of adoption, if they are old enough to do so.

103. The principle of listening to the child's wishes is rigorously observed in cases of family reunification, or the placement of children in substitute families. Decisions are only taken in accordance with the desire expressed by the minor, or respecting his/her interests.

104. When appropriate, children have the right to express their views in hearings in the Juvenile Court or other judicial bodies, and also in cases involving the separation of their parents, adoption, or conflicts with the law.

105. The organizational structure of both public and private schools gives pupils the possibility to express their opinions both in the classroom and in other broader forms of participation. Whenever necessary, schools organize assemblies run by the school management (usually led by the school director and the pedagogical and administrative directors) where the entire school community - including the pupils - participate and present their views on aspects of the school's organization.

106. At a more restricted level, each class has a class director, a teacher appointed by the school management, and a class head, a pupil elected by his/her colleagues. In periodic class meetings pupils have the opportunity to present their views, concerns, and even take certain decisions on questions related to how the class functions. Finally, there are also regular meetings between the class director and parents and guardians, to provide information on the pupil's school performance, to plan school activities and on other relevant matters.

107. Respect for the right of children to clearly express their views takes concrete form in the media, as described in the chapter on the right to information later in this report. Some media - radio, television and the written press - have special spaces dedicated to children and sometimes filled by the children themselves.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

108. The right to a name appears indirectly in article 71 (1) of the Constitution, and is duly recognized and established under ordinary legislation. The Third Right in the Declaration of the Rights of Mozambican Children states that "(you, Child …) have the right to a name by which your parents, brothers and sisters and friends will call you and by which you will be known wherever you are ... ."

109. In the Civil Code the most important principles are established in article 72 (1) which gives each citizen the right to use his full name and to oppose anyone who uses it unlawfully as identification or for other purposes. Article 1877 establishes the right of children to use their parents' surnames except when limitations are imposed by civil registration laws. Article 1977 establishes an adopted person's right to use the surname of his/her adoptive parents.

110. Article 113 establishes the mandatory registration of any birth that takes place in the country, irrespective of the nationality of the parents. It must be declared verbally within 30 days in the registration office, one of its branches, or in the civil registry post in the area of birth or of habitual residence. The country guarantees birth registration and all inherent rights for foreign children or refugees born in Mozambique.

111. Article 127 of the Civil Registration Code is also relevant. This gives the right of birth registration to children who are abandoned, insane and destitute. The right to a name is also protected by article 123, which determines that the official responsible for registration can give the child a name, should the declarer not wish to do so.

112. The Civil Registration services, responsible for registering births, have registry officers, branches and civil registration posts in all the provincial and district capitals and in administrative posts. Some hospitals, such as the provincial hospitals in Niassa, Tete and Cabo Delgado, have Civil Registration representatives to register children and to instruct women attending antenatal consultations on the importance of registration.

113. Nevertheless, despite this network registration coverage is still very limited and inadequate, particularly in rural areas, with the result that many citizens are deprived of this right. In addition, the related statistical systems are also weak which makes it difficult to estimate the number of unregistered children. Unfortunately, this aspect was not covered in the recent General Population and Housing Census (1997) so the number of children without access to this right is still not known.

114. During the preparation of this report other factors associated with the non-registration of children in the provinces were identified:

(a) Ignorance of the fact that registration is obligatory, particularly among isolated families living in remote areas;

(b) The parents' refusal (usually the father) to recognize paternity of the child;

(c) Due to inadequate information for parents, reluctance to register children arising from reservations about the cost or fear of reprisals when registration is delayed;

(d) The lack of easily available services near the place of birth or residence implies heavy transport costs to the nearest place of registration;

(e) Cultural, religious or superstitious prejudice especially in the case of registration of girls;

(f) Misconceptions about the objectives of registration and misinformation promoted by political interests, resulting in refusal to register children on the grounds that this will facilitate control over the child by the political party in power, or the child's recruitment into the army.

115. Another reason for delays in registration occurs when parents take time to give a name to the child, which often depends on achieving consensus and traditional family ceremonies. In the southern provinces in particular, there are cases where such ceremonies and the registration of the child do not take place within the established period due to the absence of the father, a migrant worker in the town or in South Africa. Another relevant factor is that most Mozambican families are based on consensual unions, which require the presence of both parents at the registration act.

116. In order to address the problem of registration, provincial registration officials, sometimes in coordination with and supported by civil society organizations, organize teams that visit remote rural areas to publicize and raise awareness about registration. They try to register as many children as possible and issue identity cards to children who have reached the appropriate age. This has had positive results, particularly the registration of the many children deprived of this right during the war.

117. In order to encourage people to register births, the Government has determined that when registration is done within 30 days of birth people are exempt from paying the Mt 50,000 fee. In the case of children from families with socio-economic difficulties, confirmed by a statement on their poverty by community leaders or the official's own evaluation, the fee can be reduced to Mt 5,000. In the case of children deprived of family protection, registration and the acquisition of an identity card are free if the process is handled by Social Action.

118. During the preparation of this report, the citizens consulted were unanimous in their opinion that the 30-day deadline for free registration is too short considering the various factors that influence the late registration of children. They felt that it should be extended from 30 to 90 days.

119. As regards the right to nationality, the Constitution expressly establishes this basic right in article 11 which establishes the right to be considered Mozambican if born in Mozambique for:

(a) children of a father or mother born in Mozambique;

(b) children of stateless parents, of unknown or concealed nationality.

120. In addition, article 12 states that individuals born in Mozambique after independence are Mozambicans except for children with a foreign father and mother, either of whom is in Mozambique working for the State to which he or she belongs. In these cases, the legislation admits the possibility of these children being able to acquire Mozambican nationality if they declare that they want to be Mozambicans when they are over 18 years of age, or when this is declared by their legal representatives if they are under that age. However, this declaration must be made within 90 days after birth or after the interested party's 18th birthday, depending on whether the declaration is made by the legal representative or the person concerned, respectively.

121. In the case of children born abroad, articles 18 and 19 recognize the right to Mozambican nationality of children of a Mozambican father or mother working for the State overseas, and anyone over 18 years of age who renounces any foreign nationality to which he may be entitled, or when this is done by the legal representatives of a minor.

122. As regards acquired nationality, article 23 establishes the possibility of Mozambican nationality being given under the Naturalization Act to the children of a citizen with acquired nationality as long as they are single and under 18 years of age.

B. Preservation of identity (art. 8)

123. Mozambican legislation recognizes a child's right to all the elements comprising his identity: the right to a name, nationality and family. Since the right to a name is established, its preservation is also guaranteed and protected under national legislation. Respect for the elements comprising his identity is one of the ways of respecting the best interests of the child.

124. The rules governing the attribution and composition of a name are themselves an example of the observation of this principle. The child can use the name of his parents and the family surname, traditionally crucial elements in the identification and personality of an individual. In addition, and despite the various difficulties in this field, efforts to get newborn children registered by facilitating access to civil registration services and through the work of the mobile registration teams, are another important factor in preserving the identity of children.

125. Changing a name is also controlled by law. The rules are quite strict and this is only allowed in cases where the alteration restores and strengthens the identity of the individual (article 125 of the Civil Registration Code). In cases of adoption, a child's surname can only be changed in cases of complete adoption or when the name of the child is unknown. In the case of orphans and abandoned children, every attempt is made to retain the child's name or that of his family when known, and the child only receives another name when all attempts to identify his real name have failed. In these cases the child is given a provisional birth registration which is annulled if confirmation of his identity appears.

126. The objectives, principles, methodologies and techniques used in locating and reuniting unaccompanied children during and after the war illustrate respect for the principle of preservation of a child's identity. The process of documenting children separated from their families involved recovering and recording biological information and data on the child's socio-family background in order to reconstruct an information framework for identifying the child and locating relatives. Of particular importance in this process was the correct annotation of the child's name, including any nicknames or traditional names, in addition to information on parents and forebears.

127. In the search for relatives, the information and data on the children concerned were carefully publicized through posters containing a photograph and information on the child, through radio announcements or, more importantly, by involving volunteers from the communities the child came from, people who knew the possible whereabouts of relatives. The child's identification data were crucial for selecting temporary host families; priority was given to biological relatives, extended family members, or substitute families from the same ethnic or religious group or from the child's home area.

128. In addition to searching for families, the Government was equally concerned about preserving the identity of the hundreds of thousands of Mozambican refugee children in neighbouring countries during the armed conflict. This concern resulted in refugee populations being placed in camps that accommodated mainly people from the same part of the country, or by placing unaccompanied children with families from their home areas. Another example was the effort to promote the basic education of refugee children using Mozambican curricula, materials and teachers, and by encouraging cultural activities and other traditional rites which,

despite their long absence from the country, enabled these children to preserve their identity and their sense of nationality (or even to acquire it, in the case of children born in the camps). This made an important contribution to their social reintegration after their return to Mozambique.

129. As described in the chapter on name and nationality (IV.A supra) both the constitutional principles and ordinary legislation are quite clear on the preservation of nationality. Birth registration facilities were established for refugee children born abroad, and simple mechanisms were established for transferring documentation. As regards original nationality, article 19 of the Constitution states that "the children of a Mozambican father and mother are Mozambicans, even when born abroad, as long as they expressly renounce any nationality they may have, when over 18 years of age or, in the case of minors, when this is done by their legal representatives".

130. The various principles and procedures mentioned throughout this report reflect the numerous efforts to preserve identity in the various contexts of the country's life. There are many examples of family ties being restored, thereby strengthening the child's culture and history and even his emotional links with his environment. All these aspects warrant special attention, especially in the basic and secondary education curricula.

131. Unfortunately, there are still situations that prejudice a child's right to preserve his identity, in particular children living in institutions allegedly dedicated to caring for them. It is common practice for children admitted to the SOS villages in Tete and Maputo to have their Christian names or surnames changed. They are given names by their surrogate mother, sometimes a surname. During a visit to an SOS village by a MICAS team in June 1999, an official of the institution confirmed that when children are admitted to the village they are considered "adopted" (without any legal procedure) and the employee hired to watch over children living in the same house becomes their "mother". The "father" is the director of the village. The child lives under these conditions until he reaches 16 years of age, when he is transferred to a so-called "youth house" in the village and receives a monthly allowance of Mt 506,000 to pay for his expenses. During the visit it was confirmed that 11 young people from Tete had been transferred to Maputo to continue their studies.

132. The institution discourages contacts between the children and their families and communities of origin, in order to "preserve their new personality". When relatives come to reclaim a child, his reintegration depends on the SOS village's assessment of the socio-economic condition of the family. As a result, between 1995 and 1999 only two children were returned to their families. In other words, the institution does not seek out relatives in order to reunite children with their families.

C. Freedom of expression (art. 13)

133. Freedom of expression is established in article 74 of the Constitution, which establishes the right of all citizens to freedom of expression and the right to information. Paragraph 2 of the same article defines the components of freedom of expression, which include the possibility of disseminating one's beliefs by any means and exercise of the right to information, including the right to seek, receive and transmit information and ideas. The same article establishes constitutional guarantees prohibiting limitations on these rights through censorship.

134. These constitutional guarantees transfer into domestic legislation the principles of freedom of expression contained in international legislation, such as the African Charter of Human and People's Rights, the International Covenant on Civil and Political Rights, and the African Charter on the Rights and Welfare of the Child.

135. These same rights are also protected under ordinary legislation. Law 18/91 of 10 August - the Law on Freedom of the Press - article 3, clause 1, states that the right to information means the faculty of each citizen to inform about and be informed of relevant national and international facts and opinions, and the right to disseminate information, opinions and ideas through the press. There are no restrictions on the full enjoyment of this right in the Republic of Mozambique.

D. Freedom of thought, conscience and religion (art. 14)

136. The Constitution guarantees the right to freedom of thought, conscience and religion for all citizens - thus also children. Article 78 of the Constitution establishes the freedom of citizens to practise or not to practise a religion.

137. This right is regulated in ordinary legislation through Law 4/71 of 21 August - the Law regulating the Foundations of Religious Freedom. In particular, the principles in Foundations I to V include recognition by the State of guarantees of religious freedom for people and adequate legal protection (Foundation I) and the right of each person to have or not to have a religion, to change a religious confession or abandon it, and to act or not in conformity with the requirements of the religion to which a person belongs. The principles established in Foundation III of this law give citizens the right to express their convictions and to disseminate their religious doctrine through the spoken word, in writing, or by other means of communication and to practise the religious rites pertaining to the belief in private or in public.

138. The Law also guarantees the right not to be obliged to declare whether a person professes a religion or not or which religion he professes, other than the case of a confidential statistical survey ordered by law. The Law also prohibits persecution and the denial of a right to or exemption from a duty due to the religious convictions of citizens. It determines that there will be no discrimination on the basis of religion in access to public posts or the award of any official honour or dignity (Foundation IV).

139. Foundation V of Law 4/71 recognizes the right of people to come together for communal religious practices, or for other specific purposes of religious life, without requiring any official authorization or the provision of information to civil authorities. Such meetings benefit from these prerogatives when organized by recognized religious confessions.

140. Finally, the legislation forbids invoking religious freedom to carry out acts that are incompatible with the life, physical integrity or dignity of people, good manners, the fundamental principles of constitutional order or the interests of sovereignty.

141. Religious subjects are not part of the official school curriculum in Mozambique. They may, however, be taught freely in churches, mosques (Muslim schools) or in private schools run by religious confessions.

E. Freedom of association and peaceful assembly (art. 15)

142. Freedom of association and peaceful assembly is expressly established in articles 75 and 76 of the Constitution, which establish the rights of all citizens to freedom of assembly in accordance with the law, and freedom of association. Social organizations and associations are permitted to pursue their objectives, establish institutions to achieve their specific objectives, and to hold assets for carrying out their activities in accordance with the law.

143. The right to free assembly is regulated by ordinary legislation under article 3 of Law 8/91, which gives citizens over 18 who enjoy full civil rights the right freely to establish associations.

144. In the case of citizens under 18 years of age, the same law guarantees freedom of association in the establishment of youth organizations as long as their management structure comprises members over 18. Exercising this right, children and young people who have achieved a level of maturity that enables them to express their views have spontaneously organized youth associations in various parts of the country, or have encouraged other entities and adult associations, in schools, residential areas, religious groups, etc. so as to promote active participation in social life.

145. The right to assembly, also expressly established in the Constitution, is regulated in Law 9/91 whose article 3 establishes the freedom of all citizens to exercise their right to assembly and to peaceful and free demonstration. The same article establishes that demonstrators do not require any legal authorization, and prohibits citizens from being forced to take part in any assembly or demonstration.

146. It is clear from this law that there are no restrictions on the freedom of children to hold peaceful demonstrations or to participate in them, as long as they are organized in accordance with the law and in situations that do not harm their best interests. In accordance with the principle of non-discrimination, disabled children, for example, have participated in various events where they have expressed their views and opinions. In January 1999, for example, there was a peaceful demonstration by children with hearing difficulties in the streets of Maputo town. It was supported by an association of parents and friends of deaf children and the procession through public places received special protection.

147. As regards the right and duty of all citizens to participate in expanding and consolidating democracy at all levels of society and the State, established in article 73 of the Constitution, the law enables citizens over 18 to vote and be elected. Given the definition of a minor in Mozambican legislation, one can conclude from this constitutional norm that minors over 18 have the right to elect and be elected.

148. The right of minors over 18 to participate in the country's political life also means that under article 77 of the Constitution, they have the right to establish or participate in political parties, a faculty derived from the freedom of citizens to associate around the same political ideas. Article 2 of this law establishes the principle of the voluntary adherence of a citizen to a party.

149. There is also the right to trade union association, established in article 90 of the Constitution, under which workers are free to organize themselves in professional associations or trade unions. This right is regulated in ordinary legislation through Law 23/91 which gives citizens the freedom to establish trade union associations, to join them voluntarily and to carry out trade union activities in workplaces. Given that this question should be considered together with the working age described in the appropriate section (see VIII.C.1 infra), the right of trade union association also covers minors with capacity to work.

F. Protection of privacy (art. 16)

150. It has already been mentioned that article 71 of the Constitution gives all citizens the right to honour, a good name, the defence of his public image and protection of his privacy. As these rights are not specifically established in ordinary legislation there is a need for careful reflection by civil society on the establishment of parameters for parental responsibility and the right of children to privacy.

151. Family and tradition still tend to consider children as objects of care, attention and protection. There is still insufficient recognition of the fact that children are subjects with rights. This results in adult interference in the private lives of children, especially with regard to decisions about their lives. One of the most clear examples of this interference is the exclusive parental decision to subject children to initiation rites or to decide about marriage, of rural girls in particular.

152. One matter of concern identified during the preparation of this report was the difficulty in ensuring privacy in institutions caring for children - children's centres, orphanages and centres for street children. The physical layout of the buildings (dormitories, bathrooms, dining halls), the rigid (or anarchistic) control systems or the overcrowding in these establishments constitute a serious infringement of the principle of privacy in a child's life. As there is no special law protecting minors in this respect, there are no parameters for demanding minimum areas and private space per person, or covering the strict observance of physical capacity.

153. Given the inadequate human and material resources, the circumstances and treatment of children who break the law also produce situations that violate their right to privacy, as described in the chapter on this subject. This involves detention, the conditions in which interrogation takes place and, in some cases, media coverage and publicity in cases involving minors.

154. During the recent conflict there were a number of examples of the media ignoring the rights of children. The absence of a professional code of ethics, particularly within some entities assisting children affected by the war and within the media, led many NGOs to subject child war victims being assisted by their projects to excessive attention by donor representatives or the media, especially the foreign media. They sometimes organized fund-raising trips to places where children were encouraged to constantly recount the most painful episodes in their lives in international forums and in front of television cameras.[12] In 1987/88 child war victims living in a centre on the outskirts of Maputo (the Lhanguene hostel) became a focus of attention for the media from all parts of the world. Their stories were later reported in a sensationalist way that violated confidentiality and the children's right to privacy in their intimate lives. Today some shelters for street children continue to act in this way.

155. It should, however, be noted that there have been improvements in the media's respect for the privacy of children, due to action by human rights organizations and commitments by journalists and their institutions to respect the ethics and behavioural principles of their profession, as described in the next chapter.

G. Access to appropriate information (art. 17)

156. The right to information is established in the Constitution, in a generic form. In clauses 1 and 2 of article 74 it is stated that all citizens have the right to freedom of expression, freedom of the press and the right to information.

157. The Constitution also permits private, State or cooperative entities to own media. The public media comprise the press, radio, the official news agency, national television, and other companies and institutions established to serve the public interest in this field, namely promoting citizens' nationwide access to information that reflects the diversity of ideas and opinions in a balanced way and develops the use of national languages.

158. In the radio and television field, the law determines that the public sector should conceive and produce balanced programming that takes into account the diverse interests and preferences of its audience (which includes children), promote communication for development, produce and broadcast national events, and promote culture and creativity, such that they account for an increasing amount of broadcasting time.

159. The independence of the media, press freedom, the right to party political broadcasts and the right of reply, as well as journalists' respect for professional ethics, are guaranteed by the Higher Social Communication Council, established by Law 18/91 of 10 August - the Law on Press Freedom. This includes the right to information, the faculty of each citizen to inform and be informed about relevant national and international facts and opinions, and the right of each citizen to disseminate information, views and ideas through the press.

160. Although the press law does not specifically regulate the right of children to information, its definition of the objectives of the press promotes the interest of children, especially with regard to the expected contribution of the press in the following fields, among others (art. 4):

The promotion of democracy and social justice;

Scientific, economic, social and cultural development;

Raising the level of citizens' social, educational and cultural awareness;

Educating citizens about their rights and duties;

The promotion of dialogue between public powers and citizens; and

The promotion of dialogue between the cultures of the world.

161. It is clear that the above objectives make the media, and in particular the public sector, responsible for ensuring that children have access to information and material from various sources and in particular information that promotes their well-being and development.

162. These objectives also support the child's right to freedom of expression and maximum development. The media have been encouraged to publish positive material that benefits children and the public in general and that helps achieve the objectives of other social sectors such as education, health and social action. Unfortunately, except for the radio (which is not easily heard in remote parts of the country) children's access to the media is still difficult, given the cost of the main newspapers and the limited television coverage.

163. The examples given below show how, to the extent possible, the main public media have promoted the participation rights of children, reflecting their points of view, and have broadcast information and social and cultural materials of interest to children.

164. Radio Mozambique (RM), the country's main radio station, is currently the only medium that covers the whole country, either through its national station or through provincial stations (one in each province) and local broadcasts in some towns. Radio Mozambique has been broadcasting regular programmes for children for 21 years. In some cases the programmes have been produced and presented by the children themselves, with the right to free expression and initiative. The children listening to the programmes can participate by correspondence or by telephone or can even be present in the studio when programmes are broadcast live. RM's children's programmes usually target children aged 4 to 14. The main children's programmes broadcast during the week are as follows:

> "The World We Live In", a programme with various topics about the world's inhabitants, countries, items of interest and varied music for children, broadcast for 20 minutes from Mondays to Fridays;
>
> The "Happy Wheel" musical programme dedicated to exchanging children's programmes with stations in other countries, such as radio Angola for example;
>
> "Our Pre-School", a programme broadcast every second Tuesday for pre-school children, that includes tapes of visits to crèches and kindergartens, conversations with children and educators, and music for children;
>
> "Hip-hip Hurrah, Let Us Learn", also for pre-school children, where they learn through plays, games, handicrafts, and reading.
>
> "Children's bla-bla-bla", every two weeks, dedicated to the history and geography of the country; it includes "trips" to the provinces and a child is invited to be a guest in the studio;
>
> "A Story for You", a programme with radio plays or children's stories, every Wednesday;

"Our Competition", broadcast once a month on Thursdays and dedicated to radio competitions by correspondence;

"Our Break", every Friday, a mainly recreational programme on the last school day in the week, and including music, proposals on lyrics for songs, games, cooking, etc.;

"Our Flowers", broadcast for 20 minutes every Saturday, with messages and dedications by small listeners to their friends, relatives, parents, etc.;

"Weekly Express", a magazine programme for young people with news from and about children, subjects of interest and direct competitions by telephone.

165. These programmes, which are predominantly educational and recreational, are produced by Radio Mozambique, in some cases with support from UNICEF and other public institutions, associations and the private sector. When it provides news on children, RM always tries to follow its editorial statutes, which require respect for ethical aspects and the rights of children, especially their right to privacy and protection against stigmatization and the influence of values harmful to their personality.

166. However, research by Radio Mozambique in Maputo, Sofala, Manica and Zambezia provinces revealed that some children do not have access to radios. Parents and guardians take great care with their radios and keep them out of reach of children. They prefer to listen to football games and other programmes that are of no interest to children. In addition, the high cost of batteries also limits children's access to them, particularly children in poorer families.

167. Other difficulties faced by RM in producing these programmes and fulfilling its role of giving children access to information include lack of technical advice by psychologists, methodological specialists, social assistants and other professionals who could improve the quality of their programmes. They also have material and equipment difficulties, financial problems and difficulty in training children to work on broadcasts. In order to address these problems, there are plans to acquire material and technical resources for restructuring children's programmes, the preparation of a policy in this area and strengthening exchanges of programmes, music and news with other Portuguese-speaking countries (Angola and Portugal).

168. Created in 1980 to prepare young people for a career in journalism, the curriculum of the school of journalism contains modules on how to handle subjects relating to children. A special project in this area is being developed, entitled "The One-and-a-Half-Inch Journalism Workshop". Children aged 8 to 13 will participate in the programme and learn to write texts and make drawings that interpret their rights, duties, knowledge and feelings. These training activities for children will be provided in two short courses a year, of 30 days each, during the school holidays, initially in Maputo. There will subsequently be a viability study in Beira and Nampula to identify the possibility of similar workshops in those towns in the centre and north of the country. By the year 2000 it is expected that 180 children will have been trained and 60 young finalist journalists will have improved their skills in the courses.

169. In addition to its information function, the Institute for Social Communication (ISC) plays an important role in public education and the mobilization of communities, particularly on issues related to improving the living conditions of the population, and children in particular, in rural and peri-urban areas. The channels used by the ISC are community radios, a television programme called "Channel Zero" and a children's newspaper called "Voice of the Child".

170. The community radio in Xai Xai has created a weekly 30-minute children's programme called "Voice of the Child", that has been broadcast regularly since 1997. The subjects are presented by children and the programme is sponsored by private business interests. Another community radio entitled "Licungo" broadcasts in Mocuba, Zambezia Province, and has a weekly youth programme called "Mobile Youth Antenna".

171. With UNICEF support the Institute has started a project in rural areas to create and organize collective radio listening centres, equipped with radios, cables, solar energy and electricity. These radios will benefit audience centres in schools, health centres and peasant associations in rural communities. As already mentioned, ISC also has a weekly television programme called "Channel Zero". In December each year one of its topics is children, produced with UNICEF support. In Niassa Province the local branch of the Institute publishes a monthly 16-page children's newspaper.

172. Mozambique Television (TVM) is another very important medium for broadcasting the rights of children and has daily or weekly children's programmes. TVM's children's programmes are essentially educational and recreational and are usually broadcast immediately after the opening of the daily broadcast. One important activity by TVM has been to promote television debates and reports on topical issues in the lives of children, inviting the relevant authorities and members of civil society to comment on them. Initially TVM only broadcast from its headquarters in Maputo town, but it is trying to gradually expand its coverage to the whole country. It has already opened branches in various provincial capitals. Some time this year the TVM signal will be transmitted by satellite, thus enabling its broadcasts to be received in real time throughout the country and abroad.

173. In addition to TVM, Maputo also has two private television stations and RTP-Africa (also in some provincial capitals), with retransmission throughout the country in collaboration with TVM. Through special contracts, the public viewer can also have access to private international television packages transmitted by satellite. In addition, in 1999 a cable television system was launched in Maputo town, and there are plans for its subsequent expansion to other parts of the country.

174. The media's performance in disseminating the Convention on the Rights of the Child is still inadequate, as this requires the involvement of and coordination with the entities responsible for this task. It has thus not been done in a systematic and spontaneous way. Nevertheless, the media have played an important role in denouncing and exposing violations of children's rights.

175. Despite legal measures to protect children, through the law regulating the activities of the press and regulations on the sale of pornographic material (Law 6/99), negative messages continue to be transmitted, particularly through cinema, television and some printed matter. Their content could be harmful to the mental and moral development of children. Indeed, during

the consultations while preparing this report parents in all provinces expressed their concern at the growing pernicious role of some media, particularly television and cinema (video cassettes), in promoting negative values through the presentation of sexual promiscuity, pornography, drug consumption, violence and juvenile delinquency. In all provinces, it was recommended that laws and codes of ethical conduct to prevent the media from performing this negative role should be strengthened.

176. The publication and distribution of books and children's access to them are still insignificant. This does not help the development of reading habits among children. On the one hand, there are very few books written by national authors, and on the other hand, the few books that do exist are not easily accessible to children, especially outside the towns. Children's libraries are equally scarce and most primary schools do not have libraries or sufficient books for pupils to consult and read. However, it is worth mentioning that a series of small books have been published aimed at educating children on topics related to their lives, for example, on the rights of children, the danger of mines, health, environment, etc. Most of these publications have been supported by institutions such as UNICEF, the Bernard Van Leer Foundation, and other bodies as part of government cooperation programmes.

177. The country's poverty and underdevelopment prevent its children from taking advantage of the positive effects of modern technology, notably the rapid dissemination of information and knowledge which increases the media's potential for education and development. Only a very small percentage of children have access to television and other audio-visual resources, and even these are restricted to urban areas. Even so, the variety of stations and television programmes and the free transmission of programmes already raise concerns about the objectives and content of some negative information transmitted to children. More sophisticated means such as the Internet, recently introduced in some towns, are also inaccessible to children both at home and at school.

178. In addition to the provisions of the above-mentioned laws, there is a need for more appropriate directives to protect children against information and material harmful to their well-being and development, as well as the preparation of ethical principles of conduct (voluntary, not necessarily binding) that would prevent the media from performing this negative role.

H. The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment (art. 37 (a))

179. The right of children to protection against torture and other cruel, inhuman or degrading treatment is established in paragraph 4 of article 56 of the Constitution which states that children cannot be discriminated against for reasons of birth, nor be subject to ill-treatment. In addition, article 78 of the Constitution also establishes that every citizen has the right to life and physical integrity, and cannot be subjected to torture or cruel or inhuman treatment.

180. These two legal provisions mean that as a citizen, the Mozambican child has double constitutional protection, firstly arising from the specific provision on the protection of minors in article 56, and secondly by benefiting from the right of all citizens to protection against ill-treatment, including protection of life, physical integrity, and protection against torture and cruel or inhuman treatment, established in article 70.

181. The Declaration on the Rights of the Mozambican Child clearly states in the second part of the 11th Right, that "[You, the child] have the right to not be subjected to violence and ill treatment".

182. Under ordinary legislation protection of minors against ill-treatment begins with legislation on protection in the home. Of particular importance, for example, is article 108 of the Statutes on Jurisdictional Assistance for Minors which establishes the possibility of partial or total limitation on the exercise of parental authority in cases where parents seriously ill-treat their children (line c) or when the parents have been sentenced as the perpetrators of or accomplices in crimes against their children, or are repeat offenders in crimes against minors (line f).

183. Punishment of abuse and violence by people outside the family environment is covered by the general provisions of the Penal Code on civil crimes against third parties. This aspect is one of the weak points of current legislation on minors, as the strong and unequivocal protection guaranteed by the Constitution is not reflected with sufficient emphasis. However, given the legal provisions relating to the fact that minors are not criminally liable, the fact that these citizens cannot be deprived of their liberty automatically excludes the possibility of their being subjected to generalized ill-treatment in prison.

184. The National Social Action Policy adopted by Council of Ministers resolution 12/98 establishes the principle of integrated and multisectoral programmes to help protect child victims of family violence and the creation of mechanisms to prevent and provide advice on this phenomenon, such as a legal service and juvenile justice.

185. Despite the constitutional prohibition, the laws and the awareness campaigns described below, minors are still being subjected to abuse and cruel treatment. The most common cases arise when people mistreat children suspected of stealing. Although declining, there continue to be isolated cases of policemen who are unaware of the norms governing the rights of children and use aggression to persuade minors to confess to the crimes of which they are accused. These children are eventually released due to the norms on the criminal non-liability of children and the absence of alternative forms to detention.

186. The most serious cases, however, arise from the tendency of people to take justice into their own hands. Aware that minors are not criminally liable, they mistreat and beat children suspected of robbery or other illegal acts. This phenomenon occurs principally among street children and adolescent drug addicts, who are frequently beaten up when caught in the act or in possession of stolen goods.

187. In recent years one issue that has been a source of concern for Mozambican authorities has been the ill-treatment of Mozambican emigrants who cross the border to South Africa illegally, where they are detained in inhuman conditions and then repatriated by the South African police. Figures gathered by the Mozambican immigration authorities show that many of these citizens are young people and adolescents and that every week more than 1,000 are repatriated to the Ressano Garcia (Maputo Province) border post in an inhuman and brutal way - in crowded carriages, after episodes that include beatings, detention, and the theft of their few possessions and valuables. As this compulsive repatriation is done without any proper

coordination with the Mozambican authorities, it results in the illegal emigrants merely being deposited in Mozambique without any conditions or services to assist those who are sick or wounded, and those who need help to return home.

188. There have also been many cases of abuse and cruel treatment of children by members of their families or by other citizens, sometimes resulting in death, intervention by the police and judicial authorities and punishment of the perpetrators. One case that shocked public opinion in March 1999 was a minor shot to death by a senior official of the country's Administrative Court. The same year, a citizen was accused of murdering and quartering his young niece. Several years ago in Maxaquene suburb on the outskirts of Maputo, a family kept a minor chained to a tree, alleging that he behaved badly. Children and women are victims of domestic violence, beaten by their fathers with a variety of instruments such as belts, sticks and sharp instruments. This phenomenon is confirmed by the many children who abandon their homes and prefer to live in the street because of violence by their stepfathers or stepmothers.

189. Children are also frequently treated cruelly and abused in shelters for minors, despite the contradiction between such acts and the vocation of these institutions. Given the legal void on the inspection role of the State, the real dimension of this problem is unknown. Statements by street children who have fled private shelters and denunciations by Social Action workers and the media point to the existence of these practices and the urgent need for effective mechanisms for verifying the situation and punishing those concerned.

190. The following example shocked public opinion in February 1998, and although it may be an isolated case it provides a good example of the vulnerability of children in some centres where, as in this case, ill-treatment can reach levels of violence, cruelty and inhumanity that are incompatible with the child protection activity claimed by these institutions. In the SOS village in Maputo, an institution dedicated to sheltering and protecting orphans and abandoned children, a six-year-old child was suspected of having stolen apples from one of the houses in the village where he lived with other children. He was subjected to an atrocious punishment by his surrogate mother. She shut the child in a room, deprived him of meals and then tied both his hands in newspaper and set fire to it. This was witnessed by another "mother" who remained impassive during these macabre events, and by other children who lived in the same house. The child was traumatized and physically disabled. The management of the village brought a court case against the mothers and expelled them from the centre. But the authorities took no action to make the institution itself accountable.[13]

191. In another shelter for children named "Street School" on the outskirts of Maputo town, in 1997, at the request of the head of the institution, one of the children was filmed by television cameras and shown on television for allegedly having stolen from the centre.

192. Starting this year, the Ministry of Home Affairs intends to gather statistics on crimes against minors throughout the country. Meanwhile, Maputo town has been a pioneer in recording such events and its statistics on crimes against children during the period 1994-1997 are as follows:

Table 2. Crimes against children in Maputo town, 1994-1997

Age groups	0-11				12-14				15-17				Sub-total
Year	1994	1995	1996	1997	1994	1995	1996	1997	1994	1995	1996	1997	1994-1997
Type of crime													
Homicide					2	1			4	7	2	7	23
Frustrated homicide					2				4	1		2	9
Manslaughter									2				2
Qualified deliberate bodily harm	1		1	1	9	7	5	5	56	42	41	72	240
Simple deliberate bodily harm		1		1	12	6	11	15	52	56	85	94	333
Threats					1	1	1	3	12	16	14	25	73
Rape					5	1			25	13	12		56
Kidnapping							1		1	7	3		12
Defamation			1					1			2	5	9
Slander									1	3		3	7
Libel									1	2			3
Total	**1**	**1**	**2**	**2**	**31**	**16**	**18**	**24**	**158**	**147**	**159**	**208**	**767**

Source: Report by the Ministry of Home Affairs on the Implementation of the Convention on the Rights of the Child.

193. Crimes against minors have increased since 1994. The most frequent are wilful bodily harm (75 per cent), especially among adolescents, followed by threats, rape, homicide and kidnapping.

194. The situation in the other provincial capitals is equally alarming. For example, data from Inhambane Province indicate that between 1994 and 1998 there were 386 recorded cases of violence against minors aged from 0 to 18 years - 38 homicides, 10 frustrated homicides, 284 cases of simple and qualified bodily harm, 11 threats and 43 rapes. The authors of these crimes were sent for trial and the majority were found guilty. Although the victims received physical treatment, there are no programmes for the psychological treatment and rehabilitation of victims and their families except for some educational radio programmes.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

195. The Constitution establishes the context for the application of the precepts on parental guidance stipulated in article 5 of the Convention. It is the family, constitutionally established as the basic cell of society (art. 55 (1)) that is responsible for the harmonious growth of the child through education and by transmitting moral and social values. Article 56 of the Constitution makes the State responsible for ensuring the comprehensive education of the child, together with the family.

196. In pursuance of this and other objectives of the family, the Constitution also establishes that the State recognizes and the law protects the institution of marriage (art. 55 (2)) resulting in the primary obligation of parents to provide guidance for their child. It should also be noted that under the current reform of the Family and Inheritance Law (see para. 21 supra) there is a recommendation on the reformulation of the institution of the family and filiation, as a legal void has been identified with regard to the relevance and legal status of the family as an institution in its own right. The same applies to the institution of filiation which it is felt marginalizes the other members of the family in relation to the child and denies them any responsibility for him/her.[14]

197. In Mozambican society, responsibility for guiding children begins in the parental home, although it is not limited to this sphere. Indeed, the task of providing guidance transcends the nuclear family. Depending on the traditional family structure to which the child belongs, it is assumed by the members of the extended family and by the wider circle of the community to which the family belongs. For example, in patrilineal communities the father or his oldest brother - usually the person whose name has been given to the child - or the grandfather and paternal uncles (by order of importance, depending on the presence or absence of the members of the extended family) are responsible for guiding male children and teaching them about life. In matrilineal societies this is usually the responsibility of the maternal uncle. In either case, guidance includes the transmission of cultural and social values, work skills for men (building houses, hunting, certain agricultural tasks, etc.) and initiation rites.

198. Guidance for girls is similar in the two kinds of society. On the whole, mothers and aunts are responsible for transmitting moral and social values in a learning process that involves children in activities traditionally carried out by women (housework, preparing food, agriculture, collecting water, etc.) as well as activities that prepare them for married life, initiation rites in particular.

199. Due to the above-mentioned legal vacuum and the absence of adequate control mechanisms, parents and other family members frequently do not fulfil their obligation to guide the minors under their responsibility. Indeed, the deterioration of moral and social values and the family's fragile fulfilment of its role have frequently been identified as the main factors underlying social problems affecting children and adolescents, particularly in large urban centres - running away from home and from school, alcohol and drug consumption, juvenile delinquency, sexual promiscuity, juvenile pregnancy and child prostitution, among many others.

200. The country still has no official family counselling services or education programmes for parents. However, some civil society organizations such as churches, but in particular the Mozambican Association for the Development of the Family (AMODEFA), organize various kinds of education and counselling programmes for young parents, children and adolescents on pertinent aspects of family life.

B. Parental responsibilities (art. 18, paras. 1 and 2)

201. Parents' responsibilities towards their children are established indirectly in the Constitution, through the precepts of articles 55 and 56 already mentioned in the previous section on parental guidance. However, there is a vacuum with regard to recognition of consensual marital unions that do not constitute official marriages, and the role of members of the extended family who traditionally have certain responsibilities for educating and supporting minor relatives.

202. However, these aspects are clearly stated in the spirit and letter of the various relevant international instruments adhered to by Mozambique, which should thus prevail, with national legislation being adapted accordingly. For example, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women establishes that as parents they have the same rights and responsibilities towards their children, irrespective of their marital status. In all instances the interests of the children are of paramount importance. Similarly, clause 1 of article 20 of the African Charter on the Rights and Welfare of the Child establishes the primary responsibility of parents and others responsible for the child, for the child's upbringing and development.

203. The institution of parental power in Mozambique contains a number of filial rights, a minor's rights in relation to his parents. For example, article 1879 of the Civil Code establishes the general framework of parental responsibilities by stating that both parents have equal competence in bringing up, educating, defending and feeding their "non-emancipated" minor children. As regards the division of responsibilities, article 1881 specifically assigns the father responsibility for providing food for his children, and for guiding their education and instruction. The same article establishes the father's responsibility for moral support in keeping with the

condition, gender and age of the child and in defending and representing him. Article 1882 specifically states that the responsibility of the mother is to watch over the physical and moral integrity of the child.

204. Under clause 2 of article 1879 of the Civil Code, these parental responsibilities, including the obligation to represent their children and administer their possessions, are imposed by law in the context of parental power. In addition, the above-mentioned article 1880 of the Civil Code prevents parents from renouncing the exercise of parental rights. This states that parents cannot renounce their parental rights or any of the special rights that this confers, without prejudice to the Code's provisions on adoption and the guardianship of minors.

205. When parents do not perform their mandatory duties towards their under-age children seriously and continuously, the law admits the possibility of parental rights being withdrawn. The situations under which this can happen are indicated in article 1910 of the Civil Code. This prohibits the exercise of parental rights by anyone who has been definitively convicted of a crime for which the law requires suspension of parental rights, anyone disqualified and prevented on the grounds of psychiatric anomalies, and anyone who is absent, as long as a provisional guardian is appointed.

206. Article 108 of the Statute of Jurisdictional Assistance to Minors establishes protection for children and respect for the principle of their best interests, in partnership with parental responsibilities, under circumstances where partial or total disqualification may be required:

(a) When parents consistently fail in their duty to defend and educate their children, thereby causing them moral or material harm;

(b) When the children are in serious moral danger, due to the moral, physical or economic inability of parents to fulfil their duties of defence and education;

(c) When the parents seriously mistreat their children, deprive them of food and the essential requirements of daily life or subject them to work that endangers their life or their moral or physical health;

(d) When parents encourage their children in crime or corrupt habits;

(e) When parents or the spouse of one of them is recognized as demonstrating immoral or scandalous behaviour;

(f) When parents have been convicted as the authors, accomplices or concealers of crimes committed against their children or as repeat offenders of crimes against minors;

(g) When parents subject their children to social relations with people to whom any of the circumstances mentioned in (c) and (e) above apply;

(h) When parents demonstrate their inability to administer the possessions of their children.

207. Under current legislation on minors, the above parental responsibilities also apply to guardians and adoptive parents. As guardians are legally prevented from practising certain legal acts, in order to do so article 1938 of the Civil Code requires that they obtain prior authorization from the Juvenile Court. As regards responsibility for administering property, article 192 states that a minor's property administration system will be established in cases where parents have been excluded, inhibited or suspended from administering the property, or when the competent entity for appointing the guardian entrusts the administration of the minor's property, totally or partially, to another person.

C. Separation from parents (art. 9)

208. The Constitution does not expressly guarantee that a child will not be separated from his/her parents. However, indirectly this right is inherent to the principle stated in the above-mentioned clause 2 of article 56, in that the family is made responsible for the harmonious upbringing of the child. The guarantee of not being separated is thus contemplated in the context of the right to a family. The principle established in the third right in the Declaration of the Rights of the Mozambican Child is relevant here:

> "You have the right to live in a family. You have the right to a name by which you are called by your parents, brothers and sisters and friends and by which you are known wherever you may be. When you have no family, you have the right to live in a family that loves you like its own child."

209. Under ordinary legislation, the principle of the non-separation of the child from its parents is covered by the legislation on parental responsibilities analysed in the previous section. It should be emphasized that the law considers the deliberate denial of a minor's right to his family a crime.

210. The Penal Code establishes a penalty of two to eight years in prison for individuals who, through violence or fraud, take a child under seven from his home or the place where he is located, even when authorized by those responsible for bringing up or caring for the child (art. 342). When this same act is committed against other individuals under 21 (it will be recalled that in Mozambique minors only come of age at 21), article 343 provides for major prison sentences. These sentences apply to anyone who forces a minor through violence, or persuades him/her through fraud, to leave the house of his parents or guardians, or those responsible for looking after him, or to abandon the place where he is living.

211. Under article 344, concealing or exchanging minors or leading them astray is also subject to a major prison sentence of two to eight years. Such sentences are increased to 16 to 20 years in prison if the offenders refuse to return the child or to indicate where the child is to be found. The legislation also stipulates a major prison sentence of two to eight years in cases where the individual who is the guardian of a minor refuses to present him to those with the legal right to claim him, or to justify his disappearance.

212. As regards the best interests of the child, Mozambican society attributes considerable importance to maintaining and strengthening marital unions, whether formal, religious, traditional, or merely de facto unions. Consequently, when handling divorce or separation cases,

the philosophy of the relevant courts, and also of religious confessions and traditional structures, is to seek reconciliation and to recommend marriage counselling for the parties concerned, particularly when they have under-age children.

213. Despite prevention and reconciliation measures, the number of separation and divorce cases continues to rise, principally in large urban centres, due to marital conflicts of various kinds. The existence of children living in the street or in the many private shelters, especially in Maputo town, is due mainly to marital conflicts resulting in the separation of the parents. This makes the children extremely vulnerable. It has already been mentioned that many street children were forced to abandon their homes due to incompatibility and ill-treatment by step-parents. During the preparation of this report, no legal institution pronounced on or presented evidence of people responsible for children leaving home having been prosecuted.

214. In rural areas, where the vast majority of the Mozambican population lives, families are more solid and stable, despite their many survival difficulties. This solidity is explained by the strength of the traditional and religious systems that support and guide the social conduct of these families. As mentioned in the section on children affected by the armed conflict, it is estimated that the war that ended in 1992 resulted in some 250,000 children being made orphans and separated from their families. (UNICEF, 1989).

D. Family reunification (art. 10)

215. Among the constitutional guarantees of asylum, article 64 of the Constitution states that asylum can also be granted "in defence of human rights". It is thus inferred that a request to enter or leave the country on grounds of family reunification, made on behalf of a child or its parents, will be handled with appropriate humanity and diligence.

E. Illicit transfer and non-return (art. 11)

216. There are no records of bilateral agreements to prevent the illegal transfer and non-return of children in the country.

217. Parents must make a declaration when a passport is requested for a child. In addition, children are only allowed to leave or enter the country when accompanied by one of their parents or with the express notarized authorization of one of their parents. But these mechanisms are not sufficiently strong to prevent the illegal transfer or non-return of minors. Indeed, during the preparation of this report there were various references to conflicts involving separated couples, where one of the spouses left the country with the children without the knowledge or consent of the other parent.

F. Recovery of maintenance for the child (art. 27, para. 4)

218. General principles on the right of children to maintenance are contained in various internal legal documents. The Declaration on the Rights of the Mozambican Child states in its Fourth Right that "In order to grow up strong and healthy, you have the right to be fed, sheltered and educated by your family".

219. Clause 1 of article 1879 of the Civil Code states that both parents are responsible for looking after "unemancipated" under-age children in order to defend, educate and feed them. The definition of maintenance is provided in article 2003:

> "1. Maintenance is understood as all that is indispensable for sustenance, housing and clothing.
>
> "2. Maintenance also includes the instruction and education of the beneficiary when that person is a minor."

220. Article 2020 details the maintenance obligations between parents and children by establishing reciprocal maintenance rights between descendants and forebears. In addition to parents, clause 1 of article 2009 indicates in general terms other people who are obliged to provide maintenance. It cites siblings and uncles as having obligations towards children when the beneficiaries are not over 17 years of age. Finally, articles 2022 and 2023 of the Civil Code indicate reciprocal maintenance rights between siblings, and state that uncles/aunts are obliged to provide maintenance for nephews/nieces.

221. Adoptive parents and guardians are bound by law to the same maintenance conditions as natural parents and other relatives. In the case of adoptive parents the obligation stands irrespective of whether the adoption is full or restricted.[15] Similarly, in the case of guardianship, under clause 1 of article 1935 of the Civil Code the guardian has the obligation to provide maintenance for the minor on exactly the same terms as natural parents.

222. Law 2053 on family abandonment establishes important principles to dissuade people from not complying with their duty to provide maintenance for minors. Clause 1 of article 1 states that if people legally bound to provide maintenance to a minor, and able to do so, do not comply with this obligation for more than 60 days, this results in a non-redeemable correctional prison sentence of up to six months. The law also punishes anyone who alienates or conceals his income or any other resource with the intent of creating conditions for non-compliance with maintenance obligations towards minors under his/her responsibility.

223. Clause 1 of article 2 states that parents, guardians or those responsible for minors, who do not provide them with the regular economic and moral support they are able to provide, thereby exposing the minors to moral danger, are subject to a non-redeemable correctional prison sentence of up to one year. Article 3 of the same law adds that the spouse who abandons the family home for more than six months and seriously violates the duty to support and assist the other spouse, or duties inherent to parental power, is subject to a non-redeemable correctional prison sentence of up to two years.

224. As regards general principles, article 74 of Law 8/98, the current Labour Law, is of particular importance. This establishes the right to protection by employers for working mothers, parents and guardians in the performance of their social function of maintaining, educating and caring for the health of their children, without prejudice to their professional performance. Given their reproductive function, working mothers are also guaranteed special rights related to motherhood and their bond with their infants.

225. In addition to the general principles mentioned so far, there are also special principles covering specific periods in a person's life, namely, the antenatal and postnatal periods. As regards the antenatal period, article 1907 of the Civil Code states that from the date of his legal recognition, the father is obliged to provide maintenance for the mother and his illegitimate child during her pregnancy and the first year of the child's life, without prejudice to any compensation to which she may be legally entitled. In addition, the Labour Law guarantees economic maintenance for a working mother during pregnancy and after birth (she cannot be fired without just cause during pregnancy and for up to one year after the birth of the child).

226. As regards the postnatal period, the Civil Code (art. 1907) obliges the future father to provide maintenance for the mother and the child born outside marriage during its first year, in order to guarantee the survival of the child. The Labour Law guarantees that during pregnancy and following the birth, the working mother has the right to interrupt her daily work to nurse the child for two half-hour periods up to a maximum of one year, without loss of salary. Finally, the child food supplement[16] provides a subsidy equivalent to 75 per cent of the retail price of milk and cereal for children whose mothers cannot nurse them, who have insufficient breast milk or have twins. This benefit also applies to children without a mother or abandoned children, children who are unable to suckle due to psycho-motor deficiencies or disablement, children with low weight, marasmus, kwashiakor or with any other paediatric pathology, and with clinical indications that a food supplement is necessary.

G. Children deprived of a family environment (art. 20)

227. The Constitution does not expressly establish protection for children deprived of a family environment, although it could be stated that this right is inherent in the principle established in article 56, clause 2, which states that the family is responsible for the harmonious growth of the child. The Declaration on the Rights of the Mozambican Child, however, clearly establishes this protection in the Third Right: "… when you do not have a family, you have the right to live in a family that loves you like its own child".

228. The Penal Code indirectly recognizes the role of the State in guaranteeing alternative care for children without a family environment when it establishes that they should be cared for "in public establishments destined to receive these children" (arts. 347, 348).

229. In defence of the principle of respect for the best interests of the child, since the 1980s there has existed a directive that children deprived of a family environment should not be placed in institutions. This was subsequently incorporated into the current Social Action Policy. This principle discourages placing a child in an institution, unless absolutely necessary. As an alternative, the first option should be to place unaccompanied children and children separated from their relatives in a family environment that can guarantee the development of their personality and emotional security, and stimulate the maintenance of affective links and their cultural identity. In order of priority, options should begin with the extended family, followed by members of the same community (ethnic, religious, cultural) and other substitute families, always seeking to ensure the existence of affinity with the child. Here, the selection of families who speak the same language as the child is of particular importance.

230. This traditional principle also derives from the country's cultural practices, and the concept of "family" whereby every child is a member of a collective - the biological extended, ethnic, religious or even the spiritual family. This provides protection and special assistance for a child who is temporarily or definitively deprived of his family environment or when in his own interest he cannot remain in that environment, especially during times of crisis, such as those that have affected the country in recent years, with war and a cycle of natural disasters.

231. So-called "substitute families" spontaneously sheltered and protected thousands of children in war zones, and in camps for displaced people and refugees. Even today many children separated from their families during the war[17] continue to live under the protection of these families while the family reunification process continues apace.

232. The State's responsibility to protect this group of children also includes institutional care, although always as the final option, only adopted when all other possibilities of identifying substitute families have been exhausted. This approach is particularly relevant given the economic difficulties faced by children's centres and orphanages, which rarely have the capacity to house large numbers of children, or the substantial resources needed for their correct operation. At the most difficult moments, State institutions were called on merely to provide temporary shelter for children awaiting family reunification; the number of permanent residences is quite small.

233. At the moment eight provinces each have a State orphanage, termed a children's centre. Admission to these institutions is limited to the 0-10 age group, although in some cases there is the exceptional presence of children aged 15 or more.[18] The Ministry for the Coordination of Social Action, the entity responsible for these institutions, has made efforts to improve the quality of its staff and services. There have been regular training courses for workers in children's centres on subjects such as planning methodology, pre-school child care methodology, caring for the disabled child, and the administration and management of social units, for the directors and administrative heads.

234. However, as already mentioned, the resources available for these institutions are insufficient. The orphanages operate with government funds that are insufficient to cover all their food, health, clothing, water, electricity and school material requirements. A report by the former SEAS[19] estimated that the average daily financial allocation was only Mt97 per child. Consequently, there were frequent food shortages and poor hygiene and cleaning, resulting in infectious diseases.

235. This situation has not changed, except in the case of centres that benefit from partnership agreements with international institutions, such as the 1 May centre in Maputo town, and one in Matola. Given its severe budget fragility, MICAS has begun an analysis of the service quality provided in its children's centres and possible alternatives for ensuring their sustainability.

236. One of the conclusions of this process is that a first step towards reversing the situation should be the resumption of family reunification efforts and the reintegration of the children in their own families. According to available data, from 1993 to 1997 the children's centres cared for 1,675 children. The numbers have gradually fallen each year, from an average of 59 children per centre to an average of 35 (see the table below). This reduction was the result of the

experimental introduction in 1994 of a more individual planning methodology in centres in Manica, Tete and Maputo provinces, gradually extended to the others. The methodology made it possible to get to know each child in more detail, and thus obtain indicators of appropriate alternatives for the child's family reintegration. The table below shows the number of children being cared for in Social Action children's centres throughout the country over the period 1993-1998:

Table 3: Children in State children's centres/orphanages 1993-1998

Year	1993	1994	1995	1996	1997	1998
No. of centres	9	9	9	8	8	8
No. of children	532	306	242	306	287	183

237. Paradoxically, when the end of the war enabled community life gradually to return to normal, many private institutions stopped observing the non-institutionalization principle, and their centres proliferated in all the towns and in some districts. Supposedly dedicated to street children (a type of care limited to the large urban centres), with the end of the war and the rise in national and foreign bodies interested in this work, the centres gradually spread to rural areas.

238. From fewer than 10 State children's centres during the war, each of which never housed more than 30 children and only on a temporary basis, there are now more than 55 shelters, most of which belong to and are run by religious and non-governmental organizations as described below. The absence of clear legislation on the MICAS inspection role, and the shortage of human and material resources and inspectors, prevents verification of the legitimacy and quality of the services provided in these institutions.

239. This generalized institutionalization of children is a destabilizing element in the above-mentioned community practices, as it attracts children from vulnerable families in the hope of better living conditions.[20] It also undermines government policies and strategies. As can be seen below, the number of children seeking placement in State orphanages has grown dramatically since 1993.

240. One group currently the target of institutional care is the so-called street children. The combined effects of the large war-induced urban influx since the late 1980s and the subsequent rise in the cost of living in large towns have increased substantially the number of extremely poor and vulnerable families, not only in suburban areas but even within urban centres. Children are the main victims of this situation, and for many children from such families the streets provide the only survival alternative.

241. Although the end of the war resulted in many people returning to their home areas, the situation in towns became more complex, with a rise in the number of children on the street, due to the combined effects of the decline in social values and the difficult socio-economic context. As already mentioned, the Government's philosophy on care for children is based on the principle of non-institutionalization, with shelters considered a last resort, while efforts are made to contact their relatives and achieve their reintegration into their families.

242. Assistance for the so-called "street child", defined by the Ministry for the Coordination of Social Action as "the child that is completely cut off from his family, who has made the street his habitat, place of leisure and work", is mainly provided by shelters run by national and foreign NGOs and religious congregations. Other institutions or private entities opt to provide services for these children within the environment, that is, in the street, in an attempt to satisfy their immediate food, health, clothing and even recreational needs.

243. Due to the precarious nature of life in the open air, the problems faced by this group of minors is no different from that observed in other third world poor countries. They are subjected to hunger, sexual abuse, aggression, exploitation, lack of access to education, consumption of drugs and other toxic products, STDs - in other words all the evils resulting from the vulnerability of their living conditions. MICAS currently has a register of 55 shelters subdivided as follows:

Table 4: Street children in sheltered care

Province	No. of centres	Children sheltered		Total
		Boys	Girls	
Maputo City	19	1 097	335	1 432
Maputo Province	15	1 572	202	1 774
Inhambane	1	46	0	46
Sofala	4	429	0	429
Manica	3	250	0	250
Tete	1	57	9	66
Zambezia	3	400		400
Nampula	2	41	5	46
Total	48	3 892		4 443

Source: MICAS, 1999.

244. It is interesting to note that three provinces - Gaza, Niassa and Cabo Delgado - have no shelters. This is due to reluctance on the part of local authorities to authorize this kind of institution, because the number of street children is quite small and these centres act as magnets, attracting children in vulnerable families. The data available do not indicate how long the children remain in these centres, nor the criteria and mechanisms for identifying alternative ways of life after they have been in care. There is also no information on the number of children who do not receive assistance.

245. The daily programme in these institutions gives priority to education and literacy work for the children; most have their own schools recognized by the Ministry of Education. These schools provide mainly the basic primary level (EP1 and EP2). In addition to education, and in order to provide alternatives to formal education, the centres provide training in pre-professional and extra-curricular activities, mainly carpentry, metal work, mechanics, tin work, shoe repair, tailoring, sewing, book binding, keeping small animals, secretarial skills, hairdressing, and the management of small informal businesses. Over the last three years about 900 adolescent beneficiaries of these activities have been integrated into employment activities and now lead an independent life.

246. Given the rehabilitation nature of this kind of care, the large number of shelters for street children does not appear to have had the desired effect of reducing or eliminating the causes of the problem. Indeed, there are very few preventive initiatives among families and communities, and very few centres have strategies that focus on reconciliation and supporting the family reintegration of the children in their care. In addition, some children eventually return to the street, either because they are unable to adapt to the institutional system or because of the poor assistance they receive there.

247. The absence of a legal framework to regulate the work of NGOs and to establish criteria for involvement is an impediment to intervention by MICAS, either in terms of technical assistance or inspection.[21] This makes it difficult to assess the quality of the care provided and, in particular, the observance of the rights of the children sheltered there, namely, non-discrimination, best interests, respect for their views and protection from exploitation and abuse.

248. Another widespread phenomenon in all towns is the thousands of children who spend part of the day on the street performing a variety of activities that contribute to their family's income due to their families' precarious social and economic circumstances. Some children are encouraged by relatives to seek survival alternatives on the street, doing a variety of paid jobs such as carrying baskets for people shopping in markets, gardening and washing cars, selling various kinds of articles, collecting fares on small taxi-buses, etc. When they cannot get paid work some children turn to stealing or simple delinquency, and become an easy target for exploitation and manipulation by adult gangs.

249. The number of children on the streets is larger than the number of street children. Initiatives targeting this group have been varied but of limited impact due to the size and complexity of the problem. Initiatives usually have a preventive perspective, with programmes implemented in the urban peripheral areas where the children come from, offering education, vocational training and income producing alternatives.

H. Adoption (art. 21)

250. Adoption (and also guardianship) constitutes a guarantee of the right to a family, duly protected in legislation on children who are destitute or in an orphanage. Adoption is regulated by articles 1979 to 2002 of the Civil Code, which stipulate the conditions under which adoption can take place, emphasizing the principle of the best interests of the child when determining whether adoption represents "real advantages for the adoptee".

251. In addition, article 1921 of the same code establishes that minors whose parents have died or who have been deprived of parental power must have a guardian, whose responsibilities end, when the child comes of age, is emancipated or adopted, or when the impediment to the parents parental power ends.

252. Children subject to adoption must be orphans and abandoned, without any known relatives and when all efforts to locate them and achieve family reunification have been exhausted. The general requirements for adoption confirm the law's concern to ensure respect for the best interests of the child and his views, as demonstrated by the following examples:

Adoption can only take place when it has real advantages for the adoptee;

The adopting parents must have been married for more than five years, and be of proven maturity, social behaviour and respectability, and thus able to offer guarantees to the adoptee;

The adopting parents must also possess physical and material conditions to educate and support the minor;

The adoptee must be under 14 years of age. If over 14 and under 21, he/she must be emancipated and live under the responsibility of the adopting parents, or be the child of one of the spouses;

Adoption only takes place if the adoptee aged over 14 agrees, except in cases where the child is mentally retarded.

253. Domestic legislation recognizes two kinds of adoption; restricted and full. In the case of full adoption, the law always considers the adoptee to be the biological child. Article 1979 of the Civil Code states that under full adoption the adoptee acquires the status of son/daughter and is considered as such for all legal purposes. Restricted adoption recognizes that the adoptee has the same filial rights as biological children. Article 1987 states that restricted adoption only gives the adoptee and the adopting parents the rights and duties established by law.

254. The Juvenile Court decides on adoption, and when such a court does not exist, the decision is taken by the District Court. Council of Ministers Decree 5/89 gives Social Action the responsibility of preparing the case file, evaluating the moral and socio-economic situation of the interested parties, integrating the child into the family for a probation period, monitoring the situation and the preparing of a report for the Court.

255. Consequently, the adoption process usually begins in the Provincial Directorate of Social Action which gathers and records all the relevant basic information through interviews with the interested parties. It also gathers information from the places of residence and employment and makes home visits to talk to the household about all aspects of the proposed adoption. If approved, the adaptation process between the child and the interested parties begins with the subsequent inclusion of the child in the family for a provisional period, a minimum of three months, duly monitored by Social Action through frequent home visits.

256. The Court decision is thus based on the report and opinion of Social Action. The adoption is only decreed when it is felt that the probation phase has been successfully completed, with the child adapting well to the interested parties and vice versa, and all the child's due rights are guaranteed.

257. The Republic of Mozambique has not signed the May 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Except for article 63, stating that only adoption by Mozambican citizens is authorized, domestic legislation does not expressly cover international adoption. However, given the nature of Mozambican legislation, adoption requests by foreigners are analysed on a case-by-case basis, always guided

by the principles of respect for the best interests of the child, which in this case means protecting and preserving the child's cultural identity and guaranteeing his/her healthy and harmonious development.

258. International adoption is thus only authorized in exceptional cases when all possibilities of including the child in a Mozambican family have been exhausted, or if the foreign family is permanently resident in Mozambique. In such cases, the appropriate structures of the adopting parents' country are requested to provide all relevant information and all their motives are carefully investigated so as to prevent the adoption from providing material profit or any other form of exploitation for the people concerned.

259. Children subject to international adoption enjoy the same guarantees and norms as in national adoption; they enjoy all the rights due to children and the adopting parents have the responsibilities inherent to parental power, duly regulated by law. Curiously, data provided by the Maputo City Juvenile Court - the only one in the country - indicate that there have been more requests for international than national adoption, as demonstrated by the figures on cases it handled between 1990 and 1998:

> 45 cases of adoption by nationals, of which 40 were full adoptions and 5 restricted;
>
> 45 cases of adoption by foreigners, of which 44 were full adoption and only 1 was restricted.

260. The institution of adoption does, however, raise a socio-legal problem. During work on the revision of the Family Law, the report by the Ministry of Justice Law Reform Commission raised the issue of adoption being completely foreign to the notion of the family held by most Mozambicans. For example, the inclusion of an adopted child in a family whose mythical universe and clan structure is different from that of the family from which the adoptee comes, could introduce a foreign element to its organizational structure, unsettling its foundations.

261. In the same document the Commission suggests the introduction of a new institution, the substitute family, which could encompass cases where unaccompanied children are sheltered in families, or cases where there is a natural family but it cannot assume responsibility for the child, which is thus not in a position to be adopted. The acceptance of children in substitute families has always been a natural and spontaneous manifestation of human solidarity between different elements in the community. These families' acceptance of children who have been temporarily or definitively deprived of their biological families, especially in times of social crisis, has been the main solution for the thousands of unaccompanied children mentioned in the chapter on the impact of the war (see VIII.A.2, infra). Thousands of families continue to shelter these children even though there has been no clarification of the legal status of their relationship.

I. Periodic review of placement (art. 25)

262. In order to ensure that caring for children in institutions is really the final option, the Ministry for the Coordination of Social Action periodically analyses the family situation of children in centres and prepares plans in the light of their individual needs. These include the

search for their families and family reunification, education, health, and other needs relevant to the life of the child. The introduction of this "More Individualized Planning" (MIP) methodology requires training workers to deal with the individual needs of these children.

263. In order to prepare children for reunification and integration into their biological, substitute or adoptive families, staff from Social Action and the welfare institutions make periodic visits to support the child and family as they adapt to a future life together. Whenever possible, these activities continue after the child has joined the family. Help is provided for the child's integration into school, access to other relevant services and, when possible, material support in the form of clothing, food, utensils or school materials in order to attenuate the impact of the child's arrival when the family is poor.

264. Unfortunately, there are no strong links between the courts and the social services to monitor families and adopted children, nor is there an organized system of visits to substitute families to assess how the children's rights are being respected and to resolve conflicts which might naturally arise during the child's adaptation to the family and community. This is due to Social Action's limited staff and resources. Its network of services is limited to provincial capitals and some districts with an average of one officer for an entire district.

265. In 1996, with UNICEF support, a project to assist children with war experience began in 17 districts in the seven most war affected provinces - Maputo, Gaza, Inhambane, Sofala, Zambezia, Nampula and Cabo Delgado. It involved regular home visits and the identification of alternative solutions for the children's problems within communities.

266. After children have been adopted, there are monitoring visits to help the two parties adapt to each other. One of the questions raised is the truth about adoption, as one of the difficulties in adoption is the parents' reluctance to inform the children about their origins. Families are advised to tell the child about his/her history as soon as possible in order to ensure that the child is aware of his/her identity. Until adoption is authorized by the Court, there are monthly visits and after the adoption has been legalized there are quarterly or semestrial visits over about a year depending on the needs of the child and the family. There are occasional meetings with the adoptive parents to discuss questions relating to the process and to exchange experiences on various aspects of the adoption.

267. On the whole, limited human and financial resources have hampered the monitoring of children reunited with their families or placed in substitute families. Even in cases where there were specific projects, it was not possible to monitor the children regularly because the projects either did not last very long, or the funding was interrupted during the process, as in the case of the project to assist children with war experiences.

268. Another issue that has had a negative influence on monitoring children is that a number of organizations that had been supporting the reunification of children left the country or changed their area of activity after the General Peace Agreement, because they felt that the emergency period had finished.

J. Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

269. To some extent the right to protection against being abandoned is safeguarded in the country's fundamental law which states in paragraph 5 of article 56 that "The State and society protect the orphan and the destitute child".

270. In ordinary legislation, article 3 of Law 2053 of 22 March 1952 stipulates a correctional prison sentence of up to two years for the spouse who abandons the marital home for more than six months and violates his/her duty to support and help the other spouse or neglects the duties inherent to parental power.

271. This subject is also addressed by various articles in the Penal Code. Article 343 establishes imprisonment, without prejudice to a more severe prison sentence, for those who oblige through violence, or encourage through fraud anyone under the age of 21 to leave the house of his parents or guardians or those responsible for caring for him, or to abandon the places where they have determined he should be. If the minor is under 17 years of age, the sentence is increased to the maximum prison sentence.

272. Article 345 states that anyone who exposes or abandons a child under seven in any place other than a public establishment intended to receive such children shall be sentenced to the corresponding prison sentence and fine. If the child is left in an abandoned place the sentence is two to eight years in prison.

273. This legal provision gives special protection to minors against abandonment by their biological parents. Paragraph 2 states that if the crime is committed by the legitimate father or mother, or the guardian or person responsible for bringing up or educating the minor, the sentence will be aggravated with the maximum fine. As regards the child's right to life, this article also states that if exposure or abandonment endangers the life of the minor or results in injury or death, the sentence will be eight years in prison (para. 3).

274. Article 347 states that anyone responsible for bringing up or educating a minor under seven years of age who places that minor in a public establishment, or gives the minor to another person without the consent of the person who gave him that responsibility, will be sentenced to one year and one month in prison and a corresponding fine. And article 348 states that legitimate parents who have the means to support their children but fraudulently place them in a public establishment for abandoned children will be sentenced to a prison term of one year and one month.

275. Other citizens are not free of the duty to protect a minor from being abandoned. Article 346 of the code in question establishes a prison sentence of from one month to two years for anyone who finds a newly born abandoned child, or finds an abandoned minor under seven, but does not inform the nearest administrative authority.

276. The right to protection against being abandoned is also established in article 4, paragraph 3 (a), of Presidential Decree 3/95 establishing Social Action's responsibilities towards children, more specifically its responsibility for providing assistance to orphans, abandoned children and children without family care.

277. Protection against abandonment is also covered in the Social Action Strategy on the Child. The Strategy states that civil society will be encouraged to help satisfy the basic needs (para. 3 (b)) of orphans/abandoned children. Activities in this area will be directed at the following:

> Adapting the family location and reunification programme to the current needs of the country;
>
> Individual needs and interests;
>
> Ensuring that children living in children's homes and similar institutions benefit from social relations with the community;
>
> Activities that help the institution become self-reliant;
>
> Developing public education programmes to make the family and society aware of the orphan and abandoned child issue.

278. Cases of abandoned children occur mainly in large towns, due to the precarious economic situation of families or an undesired pregnancy. The main victims are thus children who have been rejected or children with conflicts in the home (as explained in chapter V.G., on children deprived of a family environment). Another, although less frequent, category is abandoned newborn babies in maternity clinics, hospitals, or even in public places. When abandonment is confirmed and denounced, appropriate legal measures are taken. However, the opinion of the contributors to this report was that a set of strategies are needed to prevent children from being abandoned, combined with aggravated sentences for offenders in order to discourage this crime.

279. The right to protection against negligent treatment is not clearly expressed although it is covered by general norms on the right to life, protection, survival, not to be subjected to abuse and mistreatment and, in the context of parental responsibilities, covered in the relevant chapters in this document. During the preparation of this report, it was concluded that there is a need to establish objective legislation to deal with this issue, as well as public education strategies to counter attitudes resulting in child neglect both within the family and in the public space, in schools and in other institutions that care for children.

280. Reports from various parts of the country cite frequent cases of children being the victims of accidents arising from negligence by those responsible for protecting them: the family, society and the State itself. For example, accidents in the home make up a substantial portion of cases handled in the first aid posts, accidents that could have been avoided if there had been adequate care and supervision of the child. The most common consequences are burns, cuts, contusions, and sometimes broken bones and other more serious injuries, some of which culminate in the child's death. In Maputo town, for example, in June 1999 four children died

from suffocation after a fire broke out in the room where they were sleeping, and which was also used as a store for large amounts of synthetic products for sale. There was no adult in the house at the time. Another example comes from Gaza province where, because many schools are located alongside the main national highway, children on their way to school or on their way home are frequently knocked down by cars, sometimes resulting in death. Cases of children being run down comprise a substantial proportion of daily road accident victims throughout the country.

VI. BASIC HEALTH AND WELL-BEING

A. Disabled children (art. 23)

281. The right of the disabled to special care is established in article 95 of the Constitution, which states that "All citizens have the right to assistance in the event of disability and old age". When determining this right, the legislator did not set any age limit, so it also covers minors. Clause 2 of the same article also commits the State to promoting and creating conditions for the enjoyment of this right.

282. In addition, article 68 of the Constitution also recognizes the principles of non-discrimination and equality of rights, when it states that "disabled citizens enjoy fully the rights established in the Constitution and have the same duties, except where disability prevents them from exercising or fulfilling these rights and duties". This right is not only addressed by the Constitution and international conventions, but also receives special treatment in various codes, in particular the following.

283. In accordance with the international principles and provisions adhered to by the Mozambican State, Council of Ministers resolution 19/90, article 23.3, establishes the right of disabled children to free access to education, training, health care, rehabilitation, preparation for work and recreational activities, and to benefit from these services in a way that ensures, to the extent possible, their social integration and individual development, including cultural and spiritual.

284. In addition, Law 6/71 lays the foundations for ensuring rehabilitation for the disabled and their subsequent social integration, by helping the person to adapt to his disability, providing him with the possibility of personal, functional, professional and vocational development and helping him to readapt to his previous activity or to choose and learn a new profession appropriate to his disability, accompanying him until his complete integration in his family, professional and social environment.

285. Article 29 of Law 6/92 gives disabled children the right to special instruction and defines the way in which this education should take place (in principle in special classes in normal schools). It also reaffirms the right of children with serious multiple disabilities or who are seriously mentally retarded to receive an education adapted to their capacities through out-of-school teaching. Finally, clause 3 of this article establishes the right to training at all levels of education and vocational training, which permits the integration of disabled children into school, society and working life.

286. In the health field, the responsibilities of provincial health services (the National Health Service) include:

(a) Keeping track of the disabled;

(b) In collaboration with other services and entities, to organize medical, vocational and special education and rehabilitation services;

(c) To promote the admission and treatment of the disabled in appropriate hospital or treatment establishments, as out- or in-patients.

287. Law 8/98, the Labour Law, contains a number of principles that assist the disabled person. Article 77 establishes principles relating to the promotion of employment in compatible jobs or tasks for citizens whose working capacity has been altered, and disabled people. Article 78 establishes the possibility of legal diplomas or employment regulations introducing special measures to promote and protect employment and activities by workers who have limited work capacity, adjusted to their aptitudes and in accordance with the capacity of the company.

288. Work on the adaptation of laws relevant to disabilities has included a survey of all the country's legislation on the disabled. It covered education, health, transport, labour, defence, and finance. There have since been consultations with various institutions to analyse existing laws and discuss the necessary modifications in order to ensure implementation of the survey's findings.

289. Council of Ministers resolution 20/99 approved the Policy on the Disabled Person. National NGOs working in the disability field participated in the formulation of policy. The creation of a national committee for the disabled has been proposed.

290. The National Social Action Policy approved by Council of Ministers resolution 12/98 states that one of the specific objectives of Social Action is to promote the integration of disabled people into the labour market and in other income-generating activities. Priorities for Social Action also include assistance to the disabled to help them overcome the physical and social barriers arising from their situation and, because they are subjected to social discrimination that prevents or limits their active participation in the country's social, economic and cultural life, on an equal footing with others.

291. One of the Government's instruments in this respect is the Community-Based Care programme (CBC) introduced in 1993 to promote equality of opportunity and the better utilization of resources within communities by building the capacity of disabled people and their families. The programme implements social integration activities for pre-school and school-age disabled children and undertakes the physical and psychosocial rehabilitation of disabled people, combined with educational activities to change negative attitudes towards the disabled. The CBC programme operates in all provincial capitals and in some districts, in coordination with parents and disabled children's associations. The expansion of the programme has identified 5,210 disabled people, 323 of whom were children attending school; 158 community activists have been trained to help implement the programme.

292. The Mentally Disabled Programme, applied in Maputo town on an experimental basis, is a government initiative to get pre-school mentally retarded children into kindergartens. Thirteen children have been admitted to three children's centres (Nhelete, Amizade and Jardim das Flores) and 134 people from NGOs and churches, social workers and parents have been trained in helping children with this kind of problem. Simultaneously, as mentioned in the chapter on education, Maputo has a special EP1 primary school able to receive 90 mentally retarded children.

293. In 1993 MICAS introduced its programme for the deaf. It is developing a sign language programme. The programme tries to gather and systematize the most common signs used to communicate by hearing-impaired Mozambicans, with a view to producing a dictionary and a compilation of signs that can be used as an instrument for communication and teaching in schools for the deaf and to complement lip-reading. The first volume of the dictionary, containing 300 words, has been published.

294. Three sign language interpreters have been trained and courses prepared to train teachers how to use sign language to teach hearing-impaired children. Sixteen teachers in the country's two schools for the deaf have participated in these courses. In addition, deaf women in Maputo have been trained in sewing. Groups of young deaf people have attended seminars on planning and managing small projects in Maputo, Zambezia and Sofala provinces and 42 deaf people in Maputo are participating in an adult education programme teaching Portuguese and mathematics.

295. MICAS also provides technical assistance and monitors activities in two schools for the deaf in Maputo and Beira, with 70 and 35 children respectively. In Maputo the programme also covers a further 74 children in Chamanculo and Malhangalene suburbs, in the Central Hospital (speech therapy) and in the Resource Centre, developing communication activities and pre-school education using sign language. Zambezia, Inhambane, Nampula, Tete and Gaza provinces have five classes for deaf children with a total of 91 children. In addition, 118 deaf people have been identified in the provinces of Gaza, Inhambane, Tete, Maputo and Zambezia where 32 educators are helping 147 children in 11 rehabilitation centres.

296. An association of relatives and friends of the deaf was recently created in Maputo. It is currently establishing and consolidating provincial branches.

297. These activities notwithstanding, given the number of people with hearing problems their impact is still far from satisfactory. Nevertheless, new horizons have been opened for the beneficiary children - access to education and the ability to communicate, enabling them to be self-reliant, to support themselves and to perform better in society.

298. There is a programme that runs a centre for visually impaired children in Marracuene district, currently serving 11 children. In addition to serving its particular target group, the centre also extends its services to people with other disabilities (physical-motor and others). The country's only Institute for the Blind is located in the town of Beira and has a capacity of 80 pupils, 60 of whom are boarding pupils. However, due to its limited resources it only serves some 70 pupils per year.

299. The Provincial Directorate for Social Action has integrated 13 blind children into two normal EP1 schools in Chimoio. In addition, there are two craft cooperatives, each with 30 members, in Sofala province (Manga and Dondo). Social and economic integration of the visually impaired has also resulted in the creation of two other craft cooperatives in Beira with a total of 60 members, all of them blind, making furniture, carpets and brushes.

300. In order to change attitudes towards disabled children and influence journalists on the dissemination of positive information on disabled children, the National Journalists Union has trained 45 journalists in the north, centre and south of the country on communicating about children with disabilities.

301. As regards the Institutional Support Programme, between 1995 and 1998 transit centres for the disabled served 3,046 people and trained 52 district heads in information systems, referral and transport. Various foreign NGOs and the community participate in these programmes. The community's positive attitude is demonstrated by its acceptance and collaboration in running these programmes. For example, children with a variety of disabilities have been integrated into schools thanks to changing attitudes on the part of teachers, families and communities.

302. The impact of landmines on the rural Mozambican population and particularly on women and children has already been mentioned in the chapter on the right to life. According to data provided by the National Demining Commission, it is estimated that mines have disabled some 12,000 people, although the precise number of children killed and disabled by these devices is unknown.

303. In addition to demining activities and the destruction of these devices, a number of other multidisciplinary social initiatives have been coordinated and implemented in the context of a strategic framework for assisting victims of mines and trauma. These actions involve the National Demining Commission, the Ministries of Social Action, Education, Labour and Health, as well as a network of national and international partners. The strategy includes intersectoral activities on prevention and awareness-raising, information surveillance and medical assistance, psychosocial rehabilitation and professional integration.

304. Various education projects to prevent mine accidents were carried out in 1999. Some 446,848 people have benefited from mine awareness programmes, 1,110 "village committees" have been formed, and there have been 2,684 awareness meetings. Participants have included 1,914 teachers, as well as cultural groups that have presented 399 plays on prevention and awareness for specific target groups.

305. In the information surveillance and medical assistance field, there are plans to establish epidemiological databases on mine victims in order to define, implement and evaluate programmes to prevent mine accidents. Depending on the availability of funds, it is also planned to establish pre-hospital care services, transport for mine victims, and emergency, x-ray and blood services in health units with surgical facilities.

306. The "Care against Pain" programme, which trains health staff in the provision of quality care, is preparing 40 doctors to train trainers in cooperation with the Medical Faculty of Eduardo Mondlane University. Another important component of assistance to mine victims is the

provision of six transit centres. In 1998, 1,800 people received assistance in these centres and in four rehabilitation wards. Physiotherapy services were provided to 12,706 people and the country's nine orthopaedic centres fitted 3,636 patients, 319 of whom were mine victims, with prosthetic devices.

307. Psychosocial rehabilitation is provided through special programmes run by the Ministry of Health in coordination with the Ministry of Education, the coalition group "All Against Violence" and various national NGOs. In 1998, 2,551 victims of war and violence received various kinds of treatment, 140 activists and 33 teachers were trained and nuclei established in 12 schools. MICAS data on social reintegration indicate that 4,000 disabled people were assisted in 1988, 30 per cent of whom were mine victims, and 450 disabled children were integrated into normal schools. Professional reintegration, providing employment promotion and job training for the disabled, will be provided through a National Integrated Social Action, Employment and Youth Programme. Finally, the National Institute for Social Action provided financial assistance (minimum wage) to 2,000 vulnerable disabled; 40 per cent of the funds for this activity were provided from the government budget.

308. Despite these encouraging results, achieved with the technical and financial participation of various international cooperation partners, the Government estimates that it still needs more than US$ 1.5 billion to remove and destroy the mines that are still spread throughout the country.

B. Health and medical services (art. 24)

309. The right to health is established in articles 54 and 94 of the Constitution, which clearly express the right of all citizens to medical and health assistance, and their duty to defend and promote health. The principle established in the Eighth Right of the Declaration of the Rights of the Mozambican Child states:

> "You have the right to protection for your health, to live in a healthy environment, to have good food and to be taught how to defend yourself against illness (...) When you are ill, you have the right to be treated with every affection and love ..."

310. This same right is also regulated in various legal documents, in particular Law 2/77 which establishes important measures to realize the right to health, some of which are still valid. The law states that some health services for the citizen are free, and these principles are reiterated in article 5 of Ministerial Decree 38/87 of 4 March.

311. Free services include all prophylactic activities, complementary diagnostic examinations, injections, dressings, and basic drugs and treatment, when prescribed during a consultation. Minors under 18 are exempt from the treatment fee (Law 4/87, art. 5, para. 1 (e)). These principles facilitate children's right to access health services. For example, since the establishment of Primary Health Care in Mozambique in 1978, preventive care for children aged 0-4 under the National Health Service has been free. Preventive care includes immunization, growth monitoring, as well as treatment for malnutrition and care for the disabled.

312. Resolution 4/95 of 11 July approving the Health Sector Policy for 1995-1999 states that the objective of this policy is the promotion, preservation and improvement of the community's health, complementing and in collaboration with efforts by other sectors. These objectives are achieved by reducing the morbidity, mortality and suffering of the population, especially those in high-risk groups such as women, children, displaced people, returnees and the elderly.

313. The Health Sector Policy also gives priority to preserving and improving the health of women and children through the Mother and Child Health Programme, the Expanded Immunization Programme, and School Health Programmes, and by helping to improve people's nutritional status, children in particular, including the prevention and treatment of micro-nutrient deficiencies. The health policy is guided by the following principles:

Maximizing benefits in the use of available resources;

Justice in the distribution of resources and equity in access to health care between the various regions and social groups in the country;

Freedom of the user to choose his health-care provider;

Coexistence between the public and private sectors, with clearly defined responsibilities.

314. Nationwide coverage, determined by monitoring children aged 0-4, was 37.8 per cent during the period in question. The highest levels were achieved in Manica province, with 56.2 per cent, and Inhambane, with 51.9 per cent. The lowest levels were in Sofala and Zambezia provinces, with 21 per cent and 29.5 per cent respectively.

315. According to monthly and annual hospital statistics in the Maputo Central Hospital and other hospitals throughout the country, the main causes of death in children in the first 28 days of life are asphyxiation, premature birth, respiratory difficulties and asepsis, closely associated with the mother's state of health and assistance during birth. In the case of children under five, the main causes of death are acute respiratory infections, malaria, diarrhoea, malnutrition and measles.

316. The most reliable data on the infant mortality rate have been provided by the recent Demographic and Health Survey (DHS), the results of which are presented below. This information is organized and analysed for five-year periods prior to the DHS.

317. During the five to nine years preceding the DHS, 1987-1992, there was a sharp rise in infant, child and under-five mortality due to a variety of cyclical factors, mainly the war and various natural disasters, as illustrated in the following table.

Table 5. Infant mortality rates in the 24 years prior to the DHS - distributed by five-year periods

Five-year periods prior to the DHS	Infant Mortality Rate				
	Neonatal (0-30 days)	Post-natal (1-11 months)	Infant (0-11 months)	Child (12-59 months)	Under-five (0-59 months)
0-4 years	55.3	78.6	133.9	75.7	199.4
5-9 years	59.8	103.8	163.6	94.1	242.4
10-14 years	58.9	79.8	138.7	77.9	205.8
15-19 years	45.1	87.1	132.2	73.0	195.5
20-24 years	88.4	75.5	163.9	103.3	250.3

Source: DHS, final version.

318. Ever since the first years of independence, the Ministry of Health has had a national system of preventive health care for children under 5 and curative care for children aged 0-7. This assistance is provided through the paediatric services in all hospitals and health centres. The limited target group (0-7 years) for medical or general clinical care by paediatric services is due to the country's limited human and material resources.

319. In the preventive care field, the healthy child consultation for children aged 0-5 has been created in all health units, from the peripheral health post to the type I health centre, in rural and urban areas. This consultation monitors aspects of the child's physical, psychomotor and neurological development.

320. Curative care is provided for children transferred from the healthy child consultation due to signs of changes in their development or health, or sick children who come directly from home to the health unit. The consultations providing curative care are triage, paediatric medical consultation and other specialist paediatric consultations. No payment is required for children transferred from the healthy child consultation, for children with any kind of disability or those with acute or chronic malnutrition.

321. In addition to these activities targeting children, in 1995 a number of subprogrammes were created in order to achieve a more coherent strategy for caring for the sick child, by acting on the main diseases that contribute to child mortality. The strategy includes subprogrammes on diarrhoeal diseases, acute respiratory infections and malaria. Simultaneously, another more comprehensive and integrated approach to the sick child is being introduced, so that no important pathology is missed while the child is being observed. This approach is called integrated attention to infant diseases.

322. Mozambique has adopted the immunization calendar approved by WHO. Under this calendar, by the time a child is 12 months it should have concluded its immunization cycle. At the moment 90 per cent of the activities of the Expanded Immunization Programme serve

children. Official statistics in the Report on the Implementation of the Economic and Social Plan for 1997 show the evolution of immunization coverage for children aged 0-12 months over the period 1995-1997.

Table 6. Immunization coverage 1995-1997, children aged 0-12 months

Component	Coverage			
	1995	1996	1997	Evolution
BCG	77%	82%	84%	7%
DTP/AP 3rd dose	57%	59%	63%	6%
Measles	66%	67%	70%	4%
Tetanus - 2nd dose	34%	35%	35%	1%

Source: Report on Implementation of the Economic and Social Plan of 1997.

323. The data in the above table show that over the period 1995-1997 there was a sharp rise in coverage rates for the child components of the Immunization Programme. Using information contained in the immunization card or provided by the mother, the 1997 Demographic and Health Survey found the following situation with regard to the immunization of children under 12 months:[22]

Table 7. Immunization coverage, children aged 0-12 months
(according to DHS)

	Percentage of immunized children					
	BCG	DTP		Polio		Measles
		1st dose	3rd dose	1st dose	3rd dose	
Percentage of immunized children up to 12 months	78%	75%	58%	76%	54%	55%

Source: Demographic and Health Survey.

324. As low birth weight is influenced by the mother's state of health, it is difficult to improve. There has been a slight reduction in the stunting rate in recent years, illustrated by some improvements in the growth rates of children. The above sources found that stunting rates are higher in rural than in urban areas, probably due to food insecurity and the consequences of the war and drought that affected most of the population for many years.

Table 8. Children's health status, 1993-1997

Health status	1993	1994	1995	1996	1997
Low birth weight	13.4%	13.5%	13%	12.6%	12.1%
Stunting rate	12.8%	10.8%	11.1%	10.5%	9.7%

Source: Report on Implementation of the Government Programme, 1995-1997.

325. Health education is one of the priorities of the National Health Policy. It is carried out in health units and by mobile immunization teams that visit the most distant and inaccessible areas. The media are an important partner for the Ministry of Health in educating and disseminating information on public health, both through special campaigns and publicity and through news coverage. Health education targets all segments of society, including parents and children, and special emphasis is placed on health care for the mother, child and adolescents. More specifically, the target groups for health education are:

Women of fertile age attending antenatal, delivery, post-natal and family planning consultations;

Guardians (mothers, parents, grandparents) of under-fives;

School-age children;

Adolescents and young people in school and youth associations where reproductive health issues are discussed;

Workers, on the prevention of accidents and on mother and child health;

The population in general on the prevention of epidemics, the early treatment of the most common diseases and other issues of a preventive nature.

326. The policy on the distribution of primary and general health services gives top priority to expanding health services in such a way that they reach the majority of the population, with priority for groups at special risk, which include children in the poorer geographical areas. The main strategy of Primary Health Care (PHC) is to provide quality and sustainable care. The sector also aims to improve the quality of the services (preventive and curative) provided to the population, in particular children under five and adolescents of both sexes and in rural and urban areas, irrespective of their social and ethnic origin.

327. In 1997 the country's health network comprised 43 hospitals. The provinces of Nampula, Sofala and Maputo town had the largest number of hospitals, six and five respectively, while Manica province only had one. In 1997 the country had 277 health centres and 734 health posts. During the period 1995-1997 people's access to health services rose, in rural areas in particular, due to efforts to expand health infrastructure through:

The construction and rehabilitation of 300 health centres and posts;

The transformation of 11 health centres into rural hospitals;

The rehabilitation of three central hospitals;

The rehabilitation of seven provincial hospitals;

The construction of a new General Hospital in Nacala.

328. The available indicators show a substantial rise in mother and child health activities. The DHS found that the proportion of women who had received antenatal care was 96 per cent in urban areas and 65 per cent in rural areas. Almost all the women in Maputo town (99 per cent) had received antenatal care, 51 per cent in Zambezia and 45 per cent in Sofala as shown by the table below:

Table 9. Delivery, antenatal and post-natal consultation coverage (children aged 0-11 months and 0-4 years)

Indicator	1993	1994	1995	1996	1997
Births	26%	29%	28%	30%	31%
Antenatal	57%	63%	65%	73%	78%
Post-natal	22%	26%	28%	31%	32%
Consultations 0-11 months	75%	83%	85%	97%	98%
Consultations 0-4 years	29%	32%	33%	42%	40%

Source: Report on the Implementation of the Government Programme, 1995-1997.

329. Anti-tetanus vaccination coverage (ATV) varies according to the socio-economic status of women - 92 per cent of urban women received ATV compared to 61 per cent of rural women. There were also regional variations with 96 per cent coverage in Maputo town, 49 per cent in Zambezia and 43 per cent in Sofala. The proportion of assisted births is 82 per cent in urban areas and only 33 per cent in rural areas. It is considerably higher (86 per cent) in Maputo town than in Zambezia and Nampula (25 per cent).

330. Adolescent pregnancy is a phenomenon requiring attention and monitoring by national health authorities. Of the various factors contributing to pregnancy at an early age, a girl's lack of education is particularly important. In order to deal with the problems arising from this kind of pregnancy and other adolescent reproductive health problems, in 1997 the Ministry of Health introduced a new sub-component to its Mother and Child Health programme (MCH), the "Adolescent and Youth Programme". The 1997 DHS found that many of the adolescents aged 15 to 19 who were interviewed had already been pregnant once:

7.5 per cent of those aged 15;

19.6 per cent of those aged 16;

43.5 per cent of those aged 17;

63 per cent of those aged 18;

66.7 per cent of those aged 19.

It was also found that there was a higher incidence of adolescent pregnancy in rural areas, particularly in Nampula, Cabo Delgado and Zambezia provinces, followed by Manica and Sofala.

331. Epidemiological studies conducted in 1997 found that there is a 40 per cent risk of children in Mozambique being infected with HIV by their mothers during pregnancy, at birth, or even through their mother's milk. HIV prevalence among pregnant women varies considerably:

The South, 5 per cent;

The Centre, 20 per cent;

The North, 9 per cent.

332. Given the high fertility rates in Mozambique (5.7), HIV infection will gradually rise. The following table contains estimates of the number of children infected between 1994 and 1999 and shows the alarming progress of infection levels in recent years:

Table 10. Projections of the number of children infected with HIV, 1994-1999[23]

Cases	1994	1995	1996	1997	1998	1999
New cases	17 950	21 667	25 408	29 050	32 487	35 628
Cumulative cases	64 559	86 226	111 634	140 683	173 171	208 799

333. In response to this pandemic, the authorities have decentralized the AIDS/SDT programme and activities have been extended to the most distant peripheral levels. Simultaneously, the programme has been integrated into the Mother and Child Health and Family Planning programmes. The approach to the AIDS problem has become multisectoral, involving various ministries and government sectors and supported by a wide variety of partners, including national and foreign NGOs and United Nations agencies (UNAIDS, UNICEF, WHO).

334. In 1999 the MOH included in its programme activities related to preventing mother-foetus or mother-baby transmission. These activities include the dissemination of information about the problem and the education of mothers and health personnel.

335. Food security in Mozambique is understood as physical and economic access by all families to adequate food that satisfies their nutrition needs so that people can have an active and healthy life. As more than 80 per cent of the Mozambican population is rural, agriculture is the most important activity for the economy and the source of food security. Agricultural production takes place in two main sectors: commercial and family. Agriculture is practised by more than 90 per cent of women, who represent more than 60 per cent of the agricultural labour force. The important role of women in agriculture is obvious.

336. In 1992 information on nutrition showed an average of 50 per cent chronic malnutrition and 10 per cent acute malnutrition. At the time these averages were the highest in sub-Saharan Africa. Since then many factors have helped improve families' access to food - peace, the expansion of cultivated land, relatively favourable rainfall over the last five years, policy changes that have gradually altered the market structure, and the rehabilitation and improvement of the transport and communication infrastructure.

337. Maize imports fell from 563,000 tonnes in 1992 to 14,000 tonnes in 1996. During the same period, following the conclusion of the emergency programme, the number of people receiving food aid fell from 3.8 million to 154,000. More than 80 per cent of energy needs are currently provided by maize, cassava, sorghum, millet, beans and groundnuts.

338. Current consumption of animal proteins is very low. It is difficult to assess access to and use of animal proteins although some indicators point to a slight improvement at national level. Although the incidence of chronic malnutrition has fallen, it is still quite high. Acute malnutrition has fallen substantially due to the improved food security situation, better use of food and/or better access to health services. According to the 1996/97 Household Survey,[24] about 62 per cent of the urban and 71 per cent of the rural population live in absolute poverty, and probably have difficulty in gaining access to food, resulting in severe food shortages.

339. According to the above-mentioned surveys (HS and DHS), the provinces with the highest rates of chronic malnutrition are Niassa, Tete, Manica, Cabo Delgado and Sofala. Both surveys show higher percentages in urban areas. This may be due to lack of food because of low purchasing power, poor sanitation, the greater prevalence of infectious diseases, diarrhoea, etc. The provinces with high rates of acute malnutrition (over 10 per cent) are Cabo Delgado, Tete and Sofala (DHS) and Nampula (HS).

340. The proportion of children with acute malnutrition is highest in the first 6-24 months, the recognized high-risk nutrition group, due to the late introduction of supplementary foods, nutritionally inadequate supplementary foods, increased risk of diarrhoea, etc.

341. The National Health System is financed from the government budget. However, many external funds also contribute to the operation of the system, some of which are directly managed by donor agencies while others are integrated into the sectoral budget and managed by the public finance authorities.

342. Sectoral budgets do not include specific lines for children as a target group. Nevertheless, the MOH central budget allocations for the Expanded Immunization Programme and the Control of Diarrhoeal Diseases/Acute Respiratory Infection programme clearly benefit

mainly children. Funds are also allocated to provincial and central hospitals but cannot be quantified because the budget lines are not classified in this way. Similarly, some programmes serving this group are covered by funds managed directly by the donor agencies and such information is not very accessible.

343. The health sector gives priority to expanding the peripheral health network, technical professional training, the development of Mother and Child Health programmes and the fight against the major endemic diseases. Investments under Mother and Child Health programmes are aimed at transforming health posts into health centres with a maternity ward. The table below shows the proportion of investment expenditure on projects directly benefiting children during the period 1996-1998. Total expenditure for this group was 2.2 per cent of planned investments for the health sector.

Table 11. Health projects with an impact on children (million contos)

Period	EIP	MCH	Construction/ rehabilitation maternity wards	Total	Total investment
1996-1998	11 017.9	30 769.2	1 378.1	43 165.2	1 958 397.7
% health investment	0.5	1.5	0.2	2.2	100

Source: Three-Year Public Investment Plan.

C. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

344. The right to social security is to some extent established in the Constitution. Article 56 notes that the State and society protect orphans and needy children. Article 95 recognizes the rights of all citizens to assistance in the event of incapacity and old age, and guarantees State promotion and encouragement for the establishment of conditions for enjoying this right. These principles conform with article 24 of the International Convention on Civil and Political Rights which states that everyone, without any kind of discrimination, has the right to protection as a minor by the family, society and the State.

345. These rights are only partially covered in ordinary legislation. The current social security system only applies to workers. There is no non-contributory system for people who are unemployed and needy. This naturally means that large sectors are excluded from the benefits of social security schemes.

346. The rights of workers are recognized and protected in a variety of legal texts. The Labour Law, for example, refers to the workers' right to social security, in accordance with the financial conditions and possibilities of the national economy. The objectives of the social security system (art. 183) include guaranteeing material subsistence and social stability for workers when they have no capacity or a reduced capacity to work and in old age, and the

survival of their families in the event of death. Under article 184 the various categories of beneficiaries of the social security system include relatives dependent on the workers concerned, including children.

347. The social security system covers sickness, a death subsidy, and retirement, disability and survival pensions. The law establishing the Social Security System (5/89) reflects the aspects of the Labour Law already mentioned. The law recognizes the right of a pensioner's survivors to a subsidy in the event of his/her death if all requirements have been met at the time of death.

348. Direct social security benefits for children are only possible if they are workers of legal age, although under article 28 of this legal text, minors in domestic employment or working as seasonal or occasional workers are not covered by the social security system. This constrains their right to social security even when they are workers.

349. Under article 12, minors who were dependent on a deceased person who held a retirement or disability pension are considered his/her surviving heirs and can thus benefit from the pension. However, paragraph 4 of this article states that when orphans reach 18 years they lose the right to the survivors' pensions unless they are enrolled in a middle-level or higher education course, with the required academic performance, in which case they continue to receive the pension until age 21 or 24, respectively. There is no age limit if they have total incapacity to work.

350. The order of priority for death subsidy payments is the surviving spouse when there is no de facto separation, with allowances calculated according to the number of minors supported by the deceased, which are always paid to the respective mothers or guardians. When there is no surviving spouse but the deceased was supporting minors, the subsidy is divided equally among the minors and paid to the respective guardians (art. 18).

351. The General Statutes of Civil Servants establish a number of principles: minors over 18 can exercise functions in the State apparatus and have access to the civil service. They also include social security measures that cover the under-age children of civil servants. On the death of a civil servant with a right to a pension, or one already retired with a pension, according to article 258 his/her heirs can receive a survivor's pension if they so request. The same benefit is granted to the heirs of old-age and disability pensioners in the armed forces.

352. For this purpose, heirs are considered to be single children, including adopted children, under 18 years of age or up to 22 and 25 years of age when they are middle-level or university students or equivalent, and those with a total or permanent disability that prevents them from working, as well as unborn children. Grandchildren are also included if they meet the above-mentioned conditions or are orphans. A child whose father has died and whose mother is unable to support him, or children whose mother has died and whose father has a permanent and total disability preventing him from working, are also covered, as are children whose parents' whereabouts are unknown and who do not support them.

353. Decree 21/96 of 11 June regulating the provision of medical assistance and drugs to civil servants covers not only civil servants but also the members of their household. Article 3 states that children and stepchildren under 18 or who are middle-level or university students up to the ages of 22 and 25, respectively, are considered members of the household.

D. Standard of living (art. 37, paras. 1-3)

354. Mozambique is a country with a low level of human development. In 1994/95, Mozambique's Human Development Index (HDI) was estimated to be 0.281, about 3.4 times lower than Canada, the country with the highest HDI in the world.[25] Mozambique has the lowest HDI in southern Africa. It corresponds to a GDP per capita that rose from under US$ 80 (the lowest in the world) in 1990 to about US$ 127 in 1997.[26]

355. These HDI figures demonstrate that the Mozambican population is poor. According to the cited National Human Development Report (NHDR 1998) poverty, defined as "the absence of conditions for a long life, education and an acceptable standard of living", affects the majority of the Mozambican population, 66 per cent of whom have a monthly income equal to or less than Mt 225,500 (about US$ 20). On the basis of the average national prices in April 1997, the 1998 HDR states that the national poverty line, adjusted for the varying cost of living in different parts of the country, was Mt 5,433 per person/day (equivalent to about half a dollar at that time).

356. The incidence of poverty was 69.4 per cent; in other words, in 1996/97 more than two thirds of the Mozambican population, or 10.9 million people, were living in absolute poverty. The poverty gap index - measuring the depth of poverty - was high (29.3 per cent), as was the squared poverty index of 15.6 per cent.

357. Poor households in Mozambique have approximately twice as many dependants, mainly children, than non-poor households even though both types of household have on average the same number of productive adults. Poor households have a higher prevalence of girls under 16 with a first child, and these families have more children and start having children at an earlier age.[27]

358. According to the 1997 Population and Housing Census, that year Mozambique had a population of 16.1 million. The population is young; in 1997 45 per cent were under 15 years of age. The 1997 Demographic and Health Survey found that only 6.5 per cent of the population had access to electricity, 25 per cent of the urban population and only 2 per cent of the rural population. As regards water and sanitation, only 20 per cent of the population had access to clean water, 49 per cent of households obtained their water from public wells, 30 per cent from surface water and 20 per cent had piped water. However, access to piped water is not even, benefiting 70 per cent of the urban population but only 8 per cent of the rural population.

359. Under the Public Works and Housing component of the Government's Five-Year Programme[28] there has been some progress in attempts to improve housing conditions, water and roads. Implementation of the new National Water Policy is having an impact, albeit as yet a modest one, in increasing water coverage in urban, suburban and rural areas. The National Rural Water Supply Programme (PRONAR) is the main action strategy in this field and focuses on the

rehabilitation and construction of new boreholes, wells and small water supply systems. At the same time a community education programme has been developed to ensure the maintenance of clean water sources by the rural population.

360. It is estimated that only 3 per cent of households have sanitation.[29] The Low-Cost Sanitation Programme manufactures and sells slabs for the construction of improved latrines, the basis of the programme. In collaboration with the National Social Action Institute, 812 simple latrines and 356 complete latrines were distributed free and the construction of a further 29,191 improved latrines was planned for 1999.

361. In the housing field, the Housing Development Fund provides credit for housing and distributes plots of land to encourage own construction. In 1998 about 1 million dollars were spent on basic urbanization in the peripheral areas of towns, and over the last three years the Housing Development Fund has provided loans for house construction totalling 50 million contos. These loans have benefited 1,370 families in all the provincial capitals. In addition, since the early 1990s a total of 37,874 State-owned dwellings have been sold to tenants, 66.7 per cent of all eligible dwellings.

362. At the time of independence, Mozambique inherited from colonialism very poor rural basic education and health services even by sub-Saharan African standards.[30] As the vast majority of the population lives in rural areas, agriculture is their main means of support, providing resources for food, health and the education of children.

363. After independence there were efforts to develop agriculture, reinforced by new strategies following the introduction of the structural adjustment programme, with a variety of effects on rural life. On the whole, however, there were substantial improvements in access to education and health services and the rural economy grew. However, insecurity and destruction during the recent war reversed this process, which the Government intends to alter with the new land policies and agricultural and rural development policies.

364. The National Agricultural Development Programme (PROAGRI) is one of the main strategies in this respect. Focusing on the family sector, the main beneficiary, PROAGRI has the following objectives:

To reduce poverty;

Food security;

Job creation; and

Improving the balance of payments.

365. As a complement to the Government's economic and social measures under the structural adjustment programme, Council of Ministers resolution 2/90 of 26 June 1990 established the Office to Support the Vulnerable Population (GAPVU). This was subsequently revoked by Council of Ministers Decree-Law 16/93 of 25 August 1993.

366. GAPVU was established to implement the Government's Food Subsidy Programme, a programme to transfer funds in order to minimize the economic difficulties faced by the urban population. GAPVU was a supplementary measure during the war period to meet the immediate needs of social groups whose income was insufficient for their survival. The target group beneficiaries considered the most needy at that time were:

Families with children under five with nutrition problems associated with social risk factors;

Families with pregnant women with nutritional problems, associated with social risk factors;

The disabled of both sexes;

Female-headed households with more than five children and no household member of an economically active age;

Families where the household head suffered from chronic illness.

367. The Office operated as a unit with administrative and financial autonomy, initially linked to the Ministry of Planning and Finance. From May 1991 until its abolition in 1997, it operated under the Ministry for the Coordination of Social Action. Six years after the programme began, there was a need to assess its impact and merit. It was found that despite the rehabilitation of national productive capacity, absolute poverty still prevailed in rural areas, since all the eligible target groups were in urban areas. This was a socially unjust situation and there was a need to extend this and other poverty reduction social programmes to rural areas.

368. Council of Ministers Decree 28/97 of 10 September 1997 replaced GAPVU with the National Institute for Social Action (INAS) under the Ministry for the Coordination of Social Action. Its objectives are:

(a) To provide direct social and economic assistance or any other assistance considered necessary to the most needy individuals or groups unable to satisfy their basic needs by themselves;

(b) To implement programmes of direct assistance for the target groups in coordination with government Social Action institutions and NGOs working in this field;

(c) To promote people's self-esteem, dignity and motivation to use their individual or group capacities to develop and change their socio-economic situation.

369. INAS intends to expand its activities, preferably to rural areas, and involve other target groups not covered by the former GAPVU - those able to work - in productive and income-generating projects and activities. INAS thus has the social role of "seeking to dignify the human being, helping to reveal his capacity to be useful to himself and the society of which he is part". This strategy complies with the Social Action Policy approved by Council of Ministers resolution 12/98 of 9 April.

370. Pursuit of the INAS objectives observes the two following principles:

(a) Direct economic support for beneficiaries who are permanently unable to work;

(b) Providing economic, material and/or sociocultural resources for beneficiaries who are able to work in the form of social investments to stimulate their self reliance and development.

371. The groups considered apt for work include the mothers or guardians of children with nutrition problems associated with social risk factors. People considered inapt for work include pregnant women with nutrition problems associated with social risk factors. This latter group is considered a special group within this beneficiary category, as the incapacity for work is temporary (only during pregnancy) and the person can subsequently be included in the other category.

372. Poverty reduction is thus a fundamental condition for the full satisfaction of children's rights. According to the DHS the incidence of poverty in the provincial capitals fell from 72.6 per cent in 1992/93 to 65.2 per cent in 1996/97. Based on the country's economic growth during the period, the DHS raises the possibility that if income inequalities did not increase, there might have been modest poverty reduction gains equivalent to a rise in the standard of living at the same rate as real per capita GDP growth. However, this seems highly unlikely, as in fact income inequalities have increased substantially.

VII. EDUCATION, FREE TIME AND CULTURAL ACTIVITIES

A. Education, vocational training and professional guidance (art. 28)

373. In the Republic of Mozambique, according to article 92 of the Constitution education is the right and duty of every citizen. It also declares that the State shall promote greater and equal access to the enjoyment of this right by all citizens. The general strategy of education is also established constitutionally under article 52, which advocates a strategy that aims at national unity, at wiping out illiteracy, at mastering science and technology, and at providing citizens with moral and civic values.

374. It is intended that this right should be expressed in equal opportunities for all Mozambicans to gain access to the various types and levels of education. The State allows the participation of other entities in education, including community, business and private bodies, national and foreign non-governmental organizations, and cooperatives. Public education is secular. The right to education is established through the National Education System, the essential principles of which are contained in Law 6/92 of 6 May. This law covers three areas of education: pre-school education, school education, and out-of-school education.

375. Pre-school education takes place in crèches and playgrounds for children under six years of age. It complements or supplements family education, with which it cooperates closely. It is incumbent upon the Ministry of Education (MINED), together with the Health and Social

Welfare Ministries, to lay down the general norms for pre-school education, to support and monitor compliance with them, and to define criteria and norms for the opening, operation and closure of pre-school education establishments. Attendance at pre-school education is voluntary. Through MICAS, the strategy of "community pre-schools" was developed and implemented during the years of conflict. This is based on community care for children of pre-school age by adults chosen from among their own communities, who receive basic training by technical staff from MICAS and from NGOs.

376. School education consists of three separate categories: general education, technical and professional education, and higher education. School education also includes special forms such as special education, vocational education, adult education, distance learning and teacher training.

377. The fundamental goal of basic education is to provide basic training in the areas of communication, mathematics, the natural and social sciences, and physical, aesthetic and cultural education. Basic education includes the first seven grades, which are divided into two levels: first-level primary education (EP1), covering grades 1 to 5, and second level primary education (EP2), covering grades 6 and 7.

378. In 1997, 1,745,000 pupils, of whom 41 per cent were girls, attended EP1. The gross admission rate that year was about 80 per cent, while the gross enrolment rate was 67 per cent. About 154,000 pupils attended EP2, and girls accounted for 40 per cent of this total. Primary education was served by a network of 5,689 first-level schools and 336 second-level ones.

379. After concluding basic education, young people may enter secondary education, which lasts for five years. Secondary education seeks to consolidate and expand the pupils' knowledge in mathematics, natural and social sciences, and culture, aesthetics and physical education. The secondary level of general education consists of five grades, divided into two cycles:

First-cycle general secondary education (ESG1), from 8th to 10th grades;

Second-cycle general secondary education (ESG2), 11th and 12th grades.

380. About 45,200 pupils attended the first cycle of secondary education in 1997, 40 per cent of whom were girls. The same year, there were 6,343 pupils in the second cycle, 36 per cent of whom were girls. General secondary education was served by 63 schools for the first cycle, and 12 for the second cycle.

381. Although they are being phased out with the creation of the IMAP (Primary Teacher Training Institutes), the Mid-level Pedagogic Institutes (IMPs) are still functioning. They provide initial training for second-level primary school teachers (6th and 7th grades). At this level, there is also teacher training in specialist practical skills (technical and professional education). Entry requirements at this level are 10th grade (first cycle of general education) or the equivalent, and the courses last for two years.

382. Technical and professional education is the main instrument for the professional training of the qualified labour force necessary for the country's economic and social development. It consists of the following levels:

Elementary, which pupils enter after completing EP1;

Basic, which pupils enter after completing EP2 or the elementary level;

Mid-level, which pupils enter after completing ESG1 or the basic level.

In 1996/97 there were only 253 pupils in two elementary technical schools, 9 per cent of them girls. Basic level contained a total of 13,152 pupils, of whom only 29 per cent were girls, distributed across 23 schools. Mid-level technical training consisted of eight institutes with 2,600 students, of whom about 18 per cent were girls.

383. Higher education provides high-level training for technicians and specialists in the various scientific fields necessary for the development of the country. Higher education is aimed at those graduating from the 12th grade of general education or equivalent, and takes place in universities, higher institutes, higher schools and academies. In 1996/97, there were 7,000 students enrolled in six higher education establishments, three of which are privately owned.

384. Special education is education for children and young people with physical and mental disabilities, or who are difficult to deal with in schools. MINED is in charge of special education, in coordination with the Ministries of Health and Social Welfare. It is incumbent on MINED to establish norms, to support and inspect compliance with them, and to define the criteria for the opening, operation and closure of special education establishments.

385. There are currently four public special schools. Two are for pupils with hearing impairments (one in Beira and the other in Maputo), one is for the visually impaired (Beira), and one for the mentally disabled (Maputo). Two other integrated education public schools for the blind and partially sighted are located in Beira - one teaching second-level primary education and the other general secondary education. These special education institutions, which have a total capacity of 404 pupils, are far from sufficient to meet the needs of the increasing number of children and young people who seek places there.

386. Under the education policy (MINED, 94), the main strategic lines for the development of special education include the creation of opportunities for children with special educational needs, through the following measures.

- Promoting integration by informing normal schools and communities about the integrated special education programme and mobilizing them to support it;
- Training itinerant support teachers;
- Supplying educational materials and equipment and designing flexible study plans for children with special educational needs.

In order to implement this strategy, the pilot phase of the project "Inclusive Schools" is under way. Its objective is to develop the basic education school network so that it can receive all children and young people, including those who are disabled and who have learning difficulties.

387. Teacher training for general and technical/professional education takes place in specialist institutions and is structured into three levels:

(a) Basic: for first-level primary education; this takes place in Primary Teacher Training Centres. The entry requirements are 7th grade, that is, second-level primary education. This model is gradually being abolished, and being replaced by the creation and expansion of IMAPs, which are mid-level teacher training institutions covering all primary education, from 1st to 7th grades. At the moment there are IMAPs in the cities of Beira, Maputo, Matola and Quelimane. The Chibututuine and Angonia IMAPs should shortly start functioning;

(b) Mid-level: the Mid-Level Pedagogic Institutes (IMPs) are also being phased out following the creation of the IMAPs. They deal with the initial training of teachers for second-level primary education (6th and 7th grades). This level also includes teacher training for technical and professional education specialist subjects. Entry requirements are 10th grade (first cycle of general education) or equivalent, and the courses last for two years;

(c) Higher: this trains teachers for all levels of education. Entry requirements are 12th grade of general education or equivalent.

388. Adult education is organized for people who are no longer the normal age for attending general and technical-professional education. This form of schooling is also aimed at people who did not have the opportunity to attend school when they were younger, or who dropped out. Hence the reference to it in this report. Access to this form of education is available to individuals from the age of 15 for primary level, and from the age of 18 for secondary education. It provides the same diplomas and certificates as regular education. The forms of access, study plans and methods have their own specific modalities that take into account the age of the target groups, their experience of life, and their knowledge.

389. In 1997 enrolment in the EP2 and first-cycle general secondary education night courses corresponded to 11 per cent and 32 per cent, respectively, of the numbers enrolled for day courses. The number of students in the second cycle of adult education corresponded to 42 per cent of the students attending day courses.

390. Distance learning using new information and communication technologies is not just a complement to regular education, but also an alternative form of school education. Courses using distance learning methods began in 1996, and in an initial phase comprised in-service training for 3,000 category "E" primary teachers. A viability study is under way with a view to establishing distance learning (via radio, TV and the Internet) to promote permanent, life-long education for young people and adults at post-primary, secondary and higher levels.

391. As regards out-of-school education, the literacy activities that form part of this kind of education are organized into three-year courses, after which students complete the level equivalent to 5th grade (EP1). In 1980 the number of participants in literacy activities reached a

record figure of more than 415,000. Later, however, the numbers fell sharply mainly due to the devastating effects of the war, the excessively formal nature of the programmes, and the use of Portuguese as the medium of instruction (when many adults are unable to understand and communicate in Portuguese).

392. Given the very high level of illiteracy in the country, the National Education Policy establishes that the expansion of primary education will be complemented by the development of functional literacy programmes centred on the active participation of communities and the commitment of local authorities. Young people, adults, women and girls are the priority targets of these programmes. New scenarios are being designed with a view to reducing illiteracy among the adult population. Activities include the following:

(a) Functional Literacy courses in Mozambican languages and in Portuguese, aimed at strengthening cultural identity and heritage. Most of these literacy courses are bilingual: they start by initiating students in mother tongue literacy, and then gradually focus on the official language, Portuguese;

(b) Training of literacy trainers to promote literacy and adult education. The National Institute for Literacy and Adult Education (INEA) in Manga, Sofala province, has been preparing trainers and adult educators to work at provincial level. In 1997, 61 trainers from Sofala, Manica, Tete and Zambezia provinces attended refresher course there;

(c) A Bachelor's course in Adult Education to train INEA trainers and other Adult Education staff ran from March 1994 to March 1998. So far, 17 of the 23 students have graduated. Of these, only 2 are women. The course was run jointly by the Pedagogical University of Maputo and the Swedish University of Linkoping, with funds provided by SIDA;

(d) Out-of-School Youth Literacy Programme in Maputo, Inhambane, Manica and Tete provinces and Maputo City, supervised by the MINED Department of Adult Education (DEA). As there is rising demand in the districts covered, the number of educators does not cover the needs.

393. In all the provinces and in a wide variety of situations, several Mozambican and foreign NGOs are undertaking literacy activities for children and youth without access to formal education. In the Zambezia district of Milange alone, 21,210 young people are enrolled and are assisted by religious communities. These organizations have requested MINED to provide teaching materials, because the existing material has run out and needs revising. The DEA is working to gather information and assess needs in order to prepare appropriate materials (books and manuals). One of the main tasks of the DEA in 1998 was the revision and publication of formal literacy materials in Portuguese.

394. Admission and transition rates are important indicators of access, participation and the effectiveness of the primary education system, as they reflect the supply capacity of the education services. They indicate access to 1st grade by school-age children and their transition to the next level. In Mozambique, the official age for admission to 1st grade was set at seven years in 1993, but this was subsequently altered to six years when the law on the National Education System was amended in 1992.

395. Since the end of the war in Mozambique in 1992, the gross admission rate at six years of age has risen considerably. In 1992, the national gross admission rate was 59.4 per cent, and in 1998 was an estimated 81.3 per cent - a rise of 20 per cent in just five years. This figure is encouraging and suggests that it will be possible to reach 86 per cent in the year 2000. Despite this positive growth, there are striking variations between the provinces. There are provinces such as Manica (122 per cent), Maputo (106 per cent) and Tete (95 per cent) with rates above the national average, while others such as Sofala (58.4 per cent), Maputo city (61.6 per cent) and Gaza (65.1 per cent) have figures that are below the national average, as shown in the table below.

396. The number of children entering 1st grade in the year in which they complete the admission age is manifestly low. However a significant number of older children are enrolled in the same grade. On the one hand, this is due to the inability of the school network to accommodate all the children who should enter 1st grade each year. Given the limited capacity of the school network and the limited material conditions for teaching and learning, at this point in time the Government's position is that the introduction of compulsory schooling should be programmed gradually in line with available material and organizational capacity, in order to ensure that it is implemented effectively.

397. On the other hand, a no less strong reason is that many citizens have not yet realized that the 1st grade admission age has been lowered. They think that it is still seven years. There is thus a need for more publicity on the law on the National Education System, with particular emphasis on the entry age question.

Table 12. Evolution of the population aged six and seven years and the respective admission rates, 1992-1997

Year	Population 7 years old	Admitted	Admission rate	Population 6 years old	Admitted	Admission rate
1982	372 245	142 004	38%			
1985	396 722	164 872	42%			
1990	435 816	153 925	35%			
1994	486 685	155 074	32%	502 481	49 871	10%
1995	509 177	176 054	35%	522 456	57 247	11%
1996	539 458	171 556	32%	539 458	66 426	12%
1997	555 794	189 741	34%	555 794	80 535	15%

398. The evolution of the admission rate is influenced by the country's high population growth rate. The average annual growth rate of the population aged 6-18 years is estimated at 3.7 per cent. This is higher than the average annual growth rate of the country's total population, an estimated 2.8 per cent. This means that the school-age stratum of the population is growing more rapidly than the population as a whole, and more than the expansion of the school network and other teaching and learning conditions.

399. In addition to promoting broader and more equitable access, a further important mission of the educational system is to create conditions to ensure that, once they are in the system, pupils can attend and finish the level in a period not far removed from the theoretical period.

Under Law 6/92, the theoretical age for attending EP1 is from 6 to 10. The educational system has been working to bring school attendance into line with the ages envisaged in the law by gradually reducing the number of late entries to 1st grade.

400. The enrolment rate has developed in a manner similar to that of the gross admission rate. In 1993, the EP1 gross enrolment rate was 53.8 per cent, rising to an estimated 71 per cent in 1998 - a rise of 15 per cent in just five years. This makes it possible to envisage that the rate of 79 per cent programmed for the year 2000 will be achieved. There is considerable variation in the gross enrolment rate between provinces. Provinces such as Maputo city (93.6 per cent), Maputo province (104 per cent) and Manica (92.6 per cent) are above the national average, whereas provinces such as Niassa (54.6 per cent) and Sofala (55.2 per cent) are below the national average

Table 13. Population by age and respective EP1 enrolment rates in 1997

Age	No. enrolled	% enrolled	No. in total population
6	57 247	11.0%	522 456
7	176 054	34.6%	509 177
8	199 035	40.3%	493 478
9	188 356	38.8%	485 236
10	212 737	44.4%	478 899
11	172 050	36.7%	469 045
12	176 011	38.8%	453 644

401. The data in the above table shows how the population attending EP1 is out of step with the age group for this level, due to the combined effects of late entry, repetition and drop-out. The distribution of EP1 pupils by age in 1997 shows that the model age is 10, which once again shows the effort required to obtain school attendance by children of EP1 age.

402. Available information on the participation of girls in primary education indicates that the problem is not so much access to 1st grade, where girls comprise 45 per cent of all pupils, but the heavy losses on the journey to 5th grade. As a result, drop out and failure mean that girls comprise only 39 per cent of EP1 graduates. This situation requires reflection on how to ensure effective learning and thus better school pass rates.

403. The following table shows important regional differences in the number of pupils who make it through the various grades, and those who graduate from 5th grade, out of every 1,000 pupils who enter 1st grade. These "survivors" are obtained by applying the school pass rates for each grade in 1996/97 to a group of 1,000 pupils who, for the purposes of this analysis, are assumed to have entered 1st grade. As can be seen from the table, there are indeed very large regional differences in success at school, measured in terms of the number of students who neither drop out nor repeat years. The combined effect of drop-out and repetition rates over several years is very low retention levels.

Table 14. EP1 school performance by province

N°	Province	1st grade	2nd grade	3rd grade	4th grade	5th grade	Graduates
1	Sofala	1.000	619	417	270	187	127
2	Inhambane	1.000	626	409	250	167	103
3	Tete	1.000	577	360	209	137	86
4	Maputo City	1.000	614	380	212	128	76
5	Manica	1.000	562	333	202	124	72
6	Maputo	1.000	575	336	171	97	58
7	Gaza	1.000	543	315	171	101	53
8	Nampula	1.000	514	287	151	86	48
9	Niassa	1.000	480	255	131	73	41
10	Zambezia	1.000	494	263	130	73	37
11	C. Delgado	1.000	475	247	125	68	36
	Total	1.000	553	327	184	113	67

404. After a period in which the EP1/EP2 transition rate oscillated around 70 per cent (1982-1987), from the early 1990s it dropped slightly to 66.2 per cent in 1993/94. However, from 1994/95 onwards not only was a 70 per cent rate achieved, but it has continued to rise and reached 78.5 per cent in 1996/97.

405. In absolute terms, the number of EP1 graduates who pass to EP2 has not fallen, but the overall number of graduates from 5th grade has risen substantially each year. At the same time, however, there has not been a significant rise in the capacity of EP2 to absorb them. A shortage of teachers and in particular lack of space mean that about 29 per cent of the children who conclude first-level primary education are unable to continue their studies.

Table 15. Evolution of EP1 graduates and transition rates to EP2 1980-1997

School year	Graduates	N° entering EP2	Transition rate
1980/81	82 689	36 402	44.0%
1984/85	72 743	52 432	72.1%
1989/90	76 047	52 815	69.5%
1993/94	74 061	49 037	66.2%
1994/95	73 364	52 389	71.4%
1995/96	81 168	59 019	72.7%
1996/97	83 591	65 634	78.5%

406. As for access, participation and system effectiveness in general secondary education, although some EP2 graduates have the chance to continue their studies in industrial and commercial technical schools, transition rates to the first cycle of secondary education are low. Every year there are EP2 graduates who do not continue their studies because of a lack of places in secondary schools.

407. The transition rate from the first to the second cycle of general secondary education fell until the early 1990s, due to the increase in the number of first-cycle graduates, and the fact that the school network was very small. Transition rates at this level are now higher than in the mid-1980s, due to the opening of new secondary schools, as illustrated by the following table:

Table 16. Transition rates 1980-1997

School year	Graduates	ESG2 entries	Transition rate
1980/81	1 035	445	43.0%
1984/85	1 824	908	49.8%
1989/90	3 611	1 522	42.1%
1993/94	2 311	1 666	72.1%
1994/95	2 532	1 866	73.6%
1995/96	3 130	2 510	80.2%
1996/97	3 661	3 132	85.6%

408. In addition to transition rates, attendance in the two cycles of secondary education is also an important indicator of access. In principle, the first and second cycles of secondary education should be attended by pupils aged 13 to 15 years and 16 to 17 years, respectively. However, as in the case of primary education, there is also a striking difference between the theoretical and the real enrolment ages in secondary education. Furthermore, the school network pyramid, with its broad base and an abrupt narrowing in the intermediate area, has a direct effect on the composition of the school population, access and participation.

409. A breakdown of secondary school pupils by sex clearly shows a drop in girls' participation between the preceding level and this one. In the first cycle girls account for 38.6 per cent of total pupils, while in the second cycle the figure drops to 34.8 per cent. The internal effectiveness of secondary education is low due to, among other reasons, high drop-out and repetition rates.

410. Those who pass 12th grade of general education or its equivalent are regarded as eligible for higher education in universities, higher institutes, higher schools and academies. As from 1991, Ministerial Decree 86/90 introduced higher education admission examinations in order to impose norms, harmonize access conditions and criteria, guarantee equal opportunities for all citizens, and select candidates for the various courses with greater rigour. Access to each course thus came to be conditional on the candidate's preferred choice, his/her level of scientific knowledge and skills, and the capacity of the respective institution.

411. In order to permit enrolment in higher education and attenuate discriminatory effects arising from economic and regional inequalities or from prior social disadvantages, under the law on higher education the State is committed to guaranteeing scholarships, with pre-established quotas and other forms of support for lower income candidates, and for each region. These scholarships may be granted to students in private higher education institutions, which may also provide scholarships from their own funds. In publicly owned higher education institutions, there are quotas for the above-mentioned groups and individuals.

412. In 1996/97, the three public higher education institutions admitted 1,244 new students - 770 to Eduardo Mondlane University (UEM), 448 to the Pedagogical University (UP), and 26 to the Higher Institute of International Relations (ISRI). These new entries accounted for 17 per cent of the 7,212 students in these three institutions in the 1996/97 academic year.

413. Despite the progress made in this area, the breakdown by sex of the student population in public higher education continues to favour men. Overall, women account for 26 per cent of all students, a percentage that reflects the female presence in pre-university education. There are strong imbalances in the distribution by course, with women accounting for between 40 per cent and 68 per cent of students in medicine, veterinary sciences and languages, but less than 10 per cent of those in the technological sciences.

414. The war had a strong impact on the school network and thus the need for rehabilitation. In 1992, the year of the General Peace Agreement, of the 5,886 primary schools in 1983, only about 40 per cent were operational. Since then the Government has given priority to the rehabilitation and restoration of the school network so as to gradually restore 1983 coverage levels and increase access to educational services. Thus, in 1998 it is envisaged that the recovery of the school network will reach 100 per cent, with levels in some provinces above the national average, such as Manica (137.3 per cent), Tete (109.2 per cent) and Zambezia (119.4 per cent).

415. In 1997, the overall recovery of the school network was about 97 per cent, with forecasts of some provinces surpassing 1983 coverage levels. These results have been possible thanks to the commitment of the population, the assistance and support of national and foreign NGOs, and the work of the Government itself in rehabilitating schools and building new learning spaces. At the moment an average of 1,100 new classrooms are being built each year, a sizeable quantity but insufficient to reach the target of around 1,500 classrooms per year needed to reach planned admission and enrolment levels.

416. As for school books and educational manuals, the school book policy immediately after independence established that curriculum planning was one of MINED's areas of responsibility. Since that time it has thus been MINED's job to design the curriculum for all types and levels of education, to draw up education programmes and book lists, and to test and distribute them through a company set up for this purpose. The sale price of textbooks was heavily subsidized. All pupils bought books at the same price, regardless of the specific economic conditions of each family. However, problems related to the weakness of the Mozambican printing industry, defective distribution channels and lack of purchasing power, particularly in rural communities, and despite the policy of a general subsidy for the consumers, meant that the distribution of textbooks to all pupils was never guaranteed.

417. MINED has now redefined its school book policy and books are sold at their real cost, with a support system for the neediest pupils through the mechanism of a school social welfare fund, better known as the School Fund. Through this fund, at least in primary education, measures were taken in 1996 to distribute books and manuals free to all pupils and teachers. Over the past three years it has been possible to guarantee a book for each pupil.

418. School equipment remains insufficient for requirements. There are significant shortages of basic equipment such as blackboards, various auxiliary educational material, and desks in primary education. In general secondary and technical education, there is a notorious shortage of laboratories, audio-visual equipment and computers. As for the number of classrooms available, despite the substantial increase there is still a growing demand. In primary education, the evolution of the number of classrooms is shown below:

Table 17. Evolution of primary education classrooms 1992-1997

Year	No. of classrooms
1992	12 792
1993	14 023
1994	15 302
1995	16 298
1996	17 964
1997	18 959

419. Out of the total number of 18,959 primary education classrooms in 1997, about 32 per cent were built of flimsy materials, which means that they will need to be replaced by permanent buildings in the short or medium term.

420. The various training models used to deal with the shortage of teachers has resulted in a wide variety of professional qualifications for primary school teachers. The various categories of teachers in primary education are as follows:

> Post teachers (4th grade plus four years of training), trained in the old pre-independence schools for post teachers (EHPP). Candidates were admitted with four years of schooling (the old 4th grade), and were then given four years of psycho-pedagogical training;
>
> Teachers from the pre-independence and immediate post-independence Primary Training College, with the former high school 5th grade - that is, nine years of schooling, plus two years of teacher training;
>
> Teachers from the primary teacher training centres (CFPP), with 7th grade plus three years of training. In the same centres teachers were also trained with 6th grade plus one year; and 6th grade plus six months.

421. Because of the way in which second level primary education, EP2, is organized, with independent subjects, specific teacher training courses were designed, which fall into the following categories:

> Teachers from the Mid-level Pedagogic Institutes (IMP), with 10th grade plus three years of training;
>
> Teachers for 5th and 6th grade courses, trained at the Education Faculty of Eduardo Mondlane University. Entry requirements were 9th grade with one year's training in the psycho-pedagogical field.

422. The qualification of teachers for general secondary education is as follows:

> Teachers for 7th to 9th grade, trained at the Education Faculty of the Eduardo Mondlane University. Entry requirements were 9th grade plus two years, training in two subjects;
>
> Teachers for 10th and 11th grade, trained at the Education Faculty of the Eduardo Mondlane University (UEM). Entry requirements were 11th grade plus two years training in two subjects;
>
> Teachers from the Physical Education Teacher Training courses of the Physical Education Institute. Candidates should have possessed 9th grade plus two years of training, after which they were qualified to teach this subject at EP2 and ESG levels.

423. In addition to the various categories of teacher described here, there is also a significant group of teachers who have no minimum teacher training qualifications but have been recruited to overcome shortages in the system. The table below details the number and type of primary and secondary school teachers.

Table 18. Categories of primary and secondary teachers – 1997

Type of training	EP1	EP2	ESG1	ESG2
Overall total	28 705	3 965	1 292	263
Total Mozambicans	28 696	3 954	1 271	248
Total with training	20 207	3 117	1 036	226
Primary TT College	70	27	9	1
EHPP	1 026	25	-	-
CFPP 6th+1	11 033	74	2	-
7th + 3	7 646	146	3	-
6th+2 or 8th+2	113	502	37	-
9th+2 years	50	580	93	-
9th+3 IMPs	64	1 387	246	3
UEM/CFPP 5th/6th	4	12	32	-
7th/9th	4	23	336	8
10th/11th	5	3	14	26
Physical Education	1	153	60	14
UP Bach.'s Degree	3	19	50	33
Licenciatura	-	12	62	118
Other courses	188	154	92	23
No teacher training	8 489	837	235	22

424. The training of teachers for technical and professional education stresses technical subjects, since the general subjects in the teacher-training system are common to all types of education. Teachers are trained in technical subjects in the Industrial, Commercial and Agricultural Pedagogical Mid-level Institutes, respectively, for the industrial, commercial and

agricultural areas. The courses last two years, and include psycho-pedagogical training and teaching practices. The qualification demanded of candidates is the conclusion of a mid-level or higher technical-professional course in the area in which they will teach.

425. In higher education there is no initial teacher training. Recruitment is from among higher education graduates with the academic degree of licenciatura (corresponding to 12 years of schooling, plus 5 years of university training, or 7 years in the case of medicine). In the past, recruitment for university teaching was undertaken also from among students who had a Bachelor's degree. After joining the university staff with the category of assistant lecturer, the future teacher is given an in-service training programme that culminates in post-graduate courses in the country or abroad. The following table shows the breakdown of the teaching staff in the country's three public institutions of higher education.

Table 19. Full-time national teaching staff by level of training and institution, 1996/97

Academic qualification: teachers with:	UEM 66.5%	UP 29.3%	ISR 14.2%	Total 100.0%
Doctorate	75	7	1	83
Master's/Licenciatura	412	210	29	651
Bachelors	5	-	1	6
Total	492	217	31	740

Source: MINED.

426. The initial training of teachers for primary schools is done at mid-level, or even lower. The current academic requirements for entry into primary teacher training schools are 7th grade for the CFPP (EP1 teachers) and 10th grade for the IMP (EP2 teachers). The Pedagogical University trains secondary teachers.

427. One of the models for training primary teachers advocated by government policy for the two levels of primary education entails a single two-year training course in the Primary Teacher Training Colleges for candidates with 10th grade. Recognizing the strategic importance of the initial training of teachers, MINED has stated:

> "... as the material, human and financial conditions are created, so the current courses of 7th grade + 3 will be eliminated, and gradually replaced by courses given in the Primary Teacher Training Colleges, where candidates will enter with 10th grade. In coordination with the Pedagogical University courses for a bachelor's degree or 'licenciatura' in primary education will be designed and implemented, both for the trainers of teachers of this level, and for primary education teachers in general".

428. Other measures for the initial training of teachers envisaged in the educational policy include changes in the structure of EP2 teacher training, so that it will be possible to use only two or three teachers per class, and to provide teachers with skills for dealing with multiple classes. The curriculum for the new training courses in Primary Teacher Training Colleges is organized into five areas:

- Social Sciences (Civic Education, History and Geography);
- Educational Sciences (Pedagogy, Educational Psychology, and School Administration);
- Communication and Expression (Portuguese, English, Musical Education, Artistic/Visual Education, and Physical Education);
- Manual Activities;
- Mathematics and Natural Sciences.

The workload is 37 hours per week.

429. In-service training is understood as the training of teachers who have taught for several years but do not have a complete solid and professional academic training. There are teachers of this kind at all levels of the education system, which is why government policy envisages in-service training activities. Specifically, MINED envisages the following strategic measures:

(a) Continuous in-service training of teachers, through intervention centred on the ZIPs,[31] and with the support of the teacher training institutions;

(b) Enhancing current initiatives by the Institute for Teacher Improvement (IAP) for in-service upgrading of teachers through distance learning, starting with the category "E" teachers;

(c) Establishment of a specific set of rules for scholarships for teacher training courses.

430. It is expected that the profile of a teacher trained under an in-service training system will closely approximate that of one trained under an initial training system, especially as regards scientific skills (mastery of Portuguese, mathematics and science) and pedagogy (understanding educational sciences, special educational needs and teaching methodologies), as well as current topics of national and world importance, such as education for peace, for solidarity, for citizenship, for the protection of the environment, etc.

431. Continuous training, on the other hand, is defined by UNESCO and UNDP as the type of training aimed at all teachers, whether qualified or not, and its main objectives should not be principally anchored in wage or career considerations, but in educational, methodological and scientific upgrading that can improve or even modify educational practices. MINED understands that this is the kind of training to which all teachers should be entitled, and that all teachers have the duty to attend. It is based on the need to follow, coherently and continuously, the gradual on-the-job development of teachers' skills and their adaptation to changes in the curriculum or in attitudes.

432. The systematic and continuous training of teachers scarcely exists in Mozambique. Government policy in this area advocates its gradual decentralization through distance learning methodologies, using the potential of the ZIPs or IAP. It should be regulated such that each teacher has the right and the duty to participate diligently, successfully and regularly in national or local activities designed to address general or specific shortcomings in training.

433. The model for the continuous training of teachers has the current CFPPs, IMPs, the new primary teacher training colleges and the Pedagogical University as the enrolment and research entities, and the ZIPs as structures linked to the dynamics of schools and of teachers.

434. Given the great need for in-service training, distance learning is regarded as one of the effective methods for improving the professional competence of the teaching body. Since 1996 IAP's in-service teacher training programme has used this method to reach 3,000 teachers. In this first phase, the course is running in five provinces, and will be extended to the others later. It is intended to involve 15,000 category "E" working teachers by the year 2000.

435. The course has 50 modules and lasts four years, although, depending on his/her pace of learning, a teacher may conclude the course in just two years. Professional skills account for 62 per cent of the course structure and the remaining 38 per cent is dedicated to the content of the various subjects. Practical pedagogical work will be assured through pedagogical workshops held on Saturdays and Sundays in the Pedagogic Nuclei, where teachers undergoing training can clarify their doubts with a tutor, the key to this entire process.

436. In addition to the in-service training of teachers, MINED is studying how to use distance learning for the post-primary, secondary and technical-professional levels, using radio, television and the Internet.

437. The current educational planning system establishes norms for the use of teachers in the various levels of education, which are expressed in the compulsory number of hours to be worked in a week. There are also norms on the minimum number of teaching hours for teachers with other responsibilities in school management - the school director, the pedagogical director, the grade directors, and the teachers responsible for delegates.

438. The weekly workload for each EP1 teacher is 24 teaching periods. However, the existence of schools working three shifts in the country's main cities, combined with the shortage of teachers in these areas, means that in practice the workload of a teacher responsible for two classes is doubled. Indeed, in schools operating in two shifts (the majority), the weekly workload per teacher is 42 periods, comprising 30 for direct contact with the pupils, and 12 for preparatory and support work.

439. The influence of double or triple shifts on the use of teachers is reflected in the pupil/class and pupil/teacher ratios - 48:1 and 58:1 respectively. In EP2 teachers are organized according to the subjects that they teach. The weekly workload for a teacher at this level is 38 teaching periods, of which 24 correspond to classes taught during the week, and 14 are devoted to preparatory and support work. In practice, in some instances the shortage of teachers for some subjects creates an excessive burden, while in other instances they are underutilized and have to complete their compulsory teaching periods in another class or school. EP2 school directors

teach at least one class, while deputy directors have a reduction of 12-14 teaching periods, depending on the size of the school. The pupil/class ratio is 45:1, and the pupil/teacher ratio is 41:1.

440. In the first cycle of general secondary education (ESG1), the stipulated weekly workload per teacher is 24 teaching periods. As it is not compulsory for the director of the school to teach, some do and others do not. The deputy directors have a reduction in their teaching load of 12 periods, and teachers responsible for subjects have a reduction of 4 periods. The pupil/teacher ratio at this level is 19:1, and the pupil/class ratio is 46:1.

441. Teachers in the ESG2 have a weekly workload of 20 teaching periods, and should also devote 4 periods to the compulsory preparation of lessons, assessing pupils and other related activities. The pupil/teacher ratio is 22:1 and the pupil/class ratio is 40:1. In technical-professional education, the weekly workload is 24, 24 and 18 teaching periods for teachers at the elementary, basic and middle levels respectively. At any of these levels, it is recommended that the director of the school should teach a class.

442. Recruitment for teacher training covers candidates with varying levels of qualification, depending on the level that they intend to teach. The following table summarizes the entry conditions, the current structure of the courses, and the diplomas granted to the various courses.

Table 20. Structure of teacher training courses

Level	Institution	Entry conditions	Study structure	Diploma
EP1	CFPP	7th grade	3 years	EP1 teacher
EP2	IMP	10th grade	3 years	EP2 teacher
EP1/EP2	IMAP	10th grade	2 years	EP1/EP2 teacher
ESG	UP	12th grade	4 years	ESG teacher

443. The General Statute of Civil Servants establishes the framework of rights and duties for teachers as public officials. There is also a Teachers' Statute, a legal instrument that defines the mechanisms for integrating teachers. Both the General Statute of Civil Servants and the specific Teachers' Statute grant equal treatment to teachers of both sexes in questions of wages, training, holidays and other rights.

444. Apart from their annual leave, pregnant teachers have an additional 60 days maternity leave, which can be started 20 days before the probable date of the birth. In this situation the teacher maintains the rights inherent to her activity, and after maternity leave for six months she is entitled to 30 minutes in the morning and afternoon to nurse her child. The education policy approved by the Government also envisages incentives to increase the number of girls in teacher training courses in order to correct the current gender imbalance in the teaching body.

445. Evaluation studies are gaining impetus. A number of important studies in the early 1990s include: pedagogical evaluation of primary education school books; evaluation of the administration and management of the national education system, and an evaluation of parents' school book purchasing power. Between 1991 and 1993, Mozambique took part in an

international study on Performance in Mathematics. The country is currently taking part in a study coordinated by UNESCO, in the framework of Education for All, on the performance of 5th grade graduates, the last EP1 grade.

446. Educational research faces financial constraints, and the small amount of funds available are donated by international agencies. Educational researchers work in isolation and their findings are rarely used in policy formulation. There are programmes to encourage research on the effectiveness of schools, identifying factors that could influence the quality of education, particularly in primary education and in a context of poverty; on sociology and the culture of education through the study of relationships between the school, the community, the pupils and the teachers; on linguistics and education given the country's multilingual situation; on psychology with particular emphasis on conceptual studies; on the environment, population and education; and research on policy analysis with a view to strengthening policy formulation in education.

447. Education suffered severe cuts in its share of the General State Budget (OGE) following the implementation of the structural adjustment measures that began in 1987. From 1980 to 1986 the recurrent education budget was between 17 per cent and 19 per cent of the total State recurrent budget. In 1987 it fell sharply to 9 per cent (MINED, 1990). The reduction in educational expenditure mainly affected the real wages of teachers, which fell by about 50 per cent between 1986 and 1987. No less important were the cuts in expenditure on goods and services, which had a strong effect on the quality of education.

448. In 1997, the education recurrent budget was 17.2 per cent of the total government budget. Wages accounted for 75 per cent of total expenditure on education and sought to ensure the admission of new teachers, particularly in primary education, given the Government's policy of prioritizing expansion of access to this level of education. The share of the recurrent budget by level of education was as follows:

Primary education	46.0%
General secondary education	10.2%
Teacher training	0.3%
Technical-professional education	6.7%
Higher education	22.0%
Central and provincial administration	4.8%
Total	100.0%

449. MINED (1990) also indicates that from 1980 to 1986 education's share of the investment budget was between 4 per cent and 1 per cent. In 1987 this percentage was just 0.3 per cent. But in 1997 education as a whole received 10.7 per cent of the total State investment budget. That year the distribution of the investment budget by level of education was as follows:

Primary Education	38.0 per cent
Secondary Education	31.0 per cent
Technical-Vocational (including Teacher Training)	19.0 per cent
Higher Education	12.0 per cent
Total	100.0 per cent

450. Despite increased public expenditure on the education sector in current terms, when converted into US dollars the value of public expenditure fell sharply between 1990 and 1994, when it began to recover somewhat. Nevertheless, the total amount in 1997 still only amounted to 75 per cent of the 1994 value. Consequently, since school enrolment has increased considerably over the last four years (1994-1997), unit spending per pupil has been falling.

451. Although the percentage (of total expenditure on general education, excluding higher education) spent on EP1 and EP2 rose from 53 per cent in 1990 to 59 per cent in 1997, expenditure per pupil fell from US$ 16 in 1990 to US$ 9 in 1995, before rising to US$ 11 in 1996. Over 90 per cent of the expenditure in EP1 is for wages, while in EP2 this percentage is 76 per cent.

452. This same trend can also be seen in ESG1 and ESG2. Although the proportion spent on these levels rose slightly over the period 1990-1997, the sharp rise in school enrolment completely wiped out this increase in resources. In 1997 expenditure per pupil was a little more than half the 1990 figure. In ESG1, expenditure per pupil fell from around US$ 100 in 1990 to US$ 55 in 1996 and was US$ 63 in 1997. More than three quarters of the expenditure at these levels is for wages.

453. The proportion of expenditure going to technical education fell significantly throughout the 1990-1997 period, from 8.9 per cent in 1990 to just 6.8 per cent in 1997, which was probably due to the growing priority allotted to basic education and the growing pressure for the introduction of cost recovery measures in technical education.

454. Public higher education, taught in only three institutions, is attended by about 7,000 students and absorbs about 20-22 per cent of total recurrent expenditure in the education sector. The number of students has increased significantly in recent years. In Eduardo Mondlane University, for instance, the number of students rose from 2,800 in 1990 to 5,200 in 1995/96. Unit costs in UEM are high compared to the other levels of education, but tended to decline between 1990 and 1995, from US$ 5,682 to US$ 2,943. It is estimated that in 1997 the unit cost was US$ 3,400.

455. The structure of expenditure by level of education changed significantly between 1990 and 1997, due to a reduction in the relative weight of the central and provincial administration. All levels of education increased their relative weight in expenditure, primary education in particular, reflecting the priority given to basic education. At sector level, 74 per cent of expenditure goes for wages and 26 per cent for goods and services. Primary education is responsible for almost 60 per cent of expenditure. In analysing educational expenditure, it is also important to stress two aspects:

(a) There is no systematic information on the Government's overall effort in the education field, since in addition to the budget directly allocated to the Ministry of Education, other Government bodies carry out training activities using State budget funds, but these expenses are not counted as part of the overall education budget;

(b) As can be seen in the distribution of funds for recurrent and investment expenditure, there is a real concern to prioritize primary education in the programming of expenditure, given its priority in Government and sector policy and strategy.

456. In higher education, more than 60 per cent of recurrent expenditure in 1994/95 (excluding technical assistance) were non-wage costs. Support for students (28 per cent), international cooperation (16 per cent) and boarding (14 per cent) are the most important components of foreign aid. The sources of funding for higher education in Mozambique are thus the General State Budget, international cooperation funds, and revenue generated by the institutions themselves.

457. Foreign aid has played an extremely important role in funding education. In 1993, the non-wage costs funded by external sources surpassed domestic funding and represented half the total of recurrent aid. But these contributions only covered some costs inherent to the production of school books, food aid, assistance with import duties, freight and other costs in central and provincial administration. Many other important school resources, such as teachers' manuals and basic equipment for classrooms, are considerably under-financed.

458. There are no systematic data on which to quantify the importance of the direct contribution by households to education. However, there is evidence that in most urban and peri-urban schools, excluding wages, which are all paid by the State, funds for non-wage expenditure come from cash contributions the level of which is decided upon by joint agreement between parents and the schools.

459. Until now, private education has been basically funded by non-Governmental sources. But in 1995 the Government began to finance a small number of community schools by paying teachers' wages and providing books for the pupils. Under Decree 11/90 of 1 June, the Government authorized private education for all types and levels of education, both fee-paying and free of charge. With this legal provision, the Government proceeded to decentralize one of its functions in order to create additional capacity that would expand opportunities for access to the education system.

460. There are currently 132 private primary, secondary and technical schools. About 53 per cent of these are primary schools, and 70 per cent of the private primary pupils are concentrated in the major cities (Maputo, Matola and Beira). Numerically, the pupils taught in private schools are only equivalent to 2 per cent of those taught in public schools. Three private higher education institutions are operating: the Catholic University (UC), the Higher Polytechnic and University Institute (ISPU), and the Higher Institute of Science and Technology of Mozambique (ISCTEM).

461. There are two types of private schools: those which undertake their activities almost free of charge and are managed by humanitarian organizations, communities, NGOs and other segments of civil society, and those that are profit-making. In both cases, by law the curriculum used in private schools is that approved by MINED for the official schools, although they also have the possibility of teaching other subjects. Pupils from private schools sit the national public exams. The teachers who work in private education have usually been trained in State teacher-training establishments. Government policy towards private education is to encourage its expansion and development, particularly to areas not covered by public education. As part of this approach, the Government is considering identifying fiscal incentives for this sector to stimulate its qualitative and quantitative growth.

462. Given the shortage of domestic resources and the importance of foreign assistance for national development programmes, international cooperation is a matter of high priority in the administration of the educational system. In order to improve efficiency in the management of its international cooperation, MINED has set up a forum for dialogue and coordination with the donors that has made it possible to develop a consensus in the formulation of the strategies to implement sector policies.

463. Under the activities programmed by the Association for the Development of Education in Africa, MINED has obtained a number of benefits from its participation in working groups, resulting in improved articulation and coordination in a perspective of partnership. The drafting of a strategic plan for the education sector is under way, presenting an overall view of long-term education needs and the financial effort required, domestically and from funds mobilized from outside sources.

464. International cooperation in higher education has covered the areas of teaching, research and extension. In teaching, cooperation activities include the exchange of teachers, researchers and bibliographic material. Furthermore, given the concern of educational institutions to train their teaching staff, the number of scholarships for post-graduate studies has grown significantly. In future, international cooperation should concentrate on activities considered priorities for sector policies. It should prioritize the training of human capital in areas where there is no domestic capacity, with a view to strengthening institutional capacity and sustainable development.

465. Because of the huge financial constraints, the absolute poverty of the majority of the population, the low school enrolment rates, the growth of the school-age population, and the high drop-out and repetition rates, Mozambique faces the challenge of improving the quality of education while expanding the system. Access to education faces significant constraints, particularly in the rural areas and for children from poor backgrounds, and in some regions for girls. The quality of education is prejudiced by:

- The poor quality and insufficient quantity of school books and educational materials;
- Teachers with poor general preparation and professional training;
- Inadequate educational infrastructures;
- A very short annual school timetable, with less than 3.5 hours of teaching per day, and classrooms that are overcrowded with children of differing ages, skills and talents.

Additionally, more than a decade of war has had negative consequences for the emotional and psychological State of children and young people.

466. The low internal efficiency of schools is another important problem for the educational system. As already mentioned, of 1,000 1st grade pupils, only 67 graduate five years later. The high rates of school wastage not only block the entry of more pupils into the system, but also increase unit education costs.

467. At the various levels of administration there is a crucial need to improve the institutional capacity of the education sector - in terms of skills, administration and management, and educational planning. Special attention should be paid to schools, as the centre of the teaching-learning process, and where there is an urgent need for professional training, in-service training and the specialization of staff at central, provincial and district levels in order to guarantee and allow the formulation of realistic policies, compatible with the objectives of the system. This will also allow a gradual and progressive decentralization of some functions to provincial and district authorities.

468. In order to manage the educational system efficiently, the administrative services need to improve their vertical and horizontal coordination and their information system. National education policy advocates combining a strategy of expanded access and equity focused on primary education, with improving the quality and relevance of education. To this end, the diagnosis of the current State of the education system recommends an overall reform of the structure and content of education. This would involve in particular decentralization of the decision-making and management system; community involvement in operational responsibility and authority for the management of education and its resources; introduction of the concept and practice of school management, through appropriate training for school leaders, and appropriate modification of curricula so as to make them more useful and relevant to the various learning contexts.

B. Objectives of education (art. 29)

469. As mentioned above, the objectives of education Stated in article 29 of the Convention on the Rights of the Child are recognized in the Constitution and in the Mozambican educational system, which has been explained in detail in the previous chapter.

470. The aim of Law 6/92 of 6 May on the National Education System was to adjust the general framework of the education system and bring the provisions of Law 4/83 of 23 March into line with the country's social and economic conditions, from both the educational and the organizational points of view. Among the aims of education it stresses the eradication of illiteracy and the guarantee of basic education for all citizens, in accordance with the development of the country, through the gradual introduction of compulsory schooling and the training of cadres for the needs of the country's socio-economic development.

471. The Government's five-year programme for 1995-1999 advocates that education is the key instrument for improving living conditions and raising the technical and scientific level of workers. It is also the basic resource for understanding and participating in the tasks of social development, and in the struggle for peace and national reconciliation. The Government's fundamental objectives for education stress equal opportunity in access to all levels of education - emphasizing promoting greater participation by women and citizens from low-income families, and special attention for the reintegration into the education system of school-age children living under difficult circumstances, particularly orphans, children abandoned due to the war, children traumatized by the war and children with abnormal development.

472. To this end, the mechanisms of curriculum and material incentives have been created to ensure that all poor pupils have access to textbooks through the School Fund, with priority for those in EP1. As for higher education, the Government's objectives are to promote access by a growing

number of Mozambicans by expanding this level of education to other parts of the country, supporting and stimulating initiatives to set up higher education establishments, particularly in the centre and north of the country.

473. In this context, special mention should be made of innovations in the content of education programmes. Mozambique took part in the World Conference on Education, held in March 1990 in Jomtien, Thailand, which unanimously adopted the Universal Declaration on Education for All and a Programme of Action. The conference resolutions include the pledge to ensure access for all to basic education, which should be regarded as a right of citizenship and also because development, however it may be conceived, requires an educated population.[32] In collaboration with the partners who signed the World Declaration on Education for All, MINED has taken several initiatives to mobilize public opinion and prepare the necessary conditions for introducing changes into the design and functioning of the educational system. These activities include the formation of eight Technical Commissions covering vital areas of the education system: Structures and Decentralization, Curriculum Development, Assessment and Exams, Textbooks, Training and Institutional Development, Teachers' Conditions, Privatization and Non-Formal Education.

474. The studies by these commissions show that the main problems of the education system are located in the sphere of structures, of the curriculum and of teaching methods. At the end of 1992, it was concluded that the strategic reform to be followed would have four interdependent elements (MINED, 1994):

(a) Raising awareness of the objectives and targets of Education for All, by making public opinion, and the opinion of parents, aware of the importance of basic education;

(b) Expanding the system, by increasing its infrastructure and human resources capacity;

(c) Reforming structures, in particular through decentralization, privatization, the reorganization of teacher training, the revitalization of the Zones of Pedagogic Influence (ZIPs), the creation of community committees and community schools, the reorganization of available resources, simplification of assessment procedures, restructuring inspection and supervision, the creation of a capacity for intervention and support in the District Directorates of Education;

(d) Introducing curriculum changes to accommodate, among other things, new and more relevant areas and teaching methods.

475. Following these recommendations, the National Education System is being reformed with emphasis on the areas identified as vital for its effectiveness and efficiency. The reform aims to develop a flexible curriculum relevant to the varying learning needs and contexts, and to simplify its structure, making it more dynamic and amenable to participation by other education agents and partners. The National Education Policy establishes objectives to be achieved through the following actions and measures.

476. Given the importance of environmental education for new generations, the national bodies concerned with curriculum planning are working to integrate the environmental dimension into the teacher training curriculum, and the curricula at all levels of education. Thus, environmental

education is not treated as an independent subject, since its content is covered in all subjects of a scientific nature, such as Natural Sciences and Geography, as well as through appropriate themes in language teaching. These programmes contain various different themes on ecology, which progresses according to the level of education, and achieves greater depth in the teaching of biology in secondary education.

477. The Ministry for the Coordination of Environmental Action (MICOA) was set up with the aim of formulating appropriate policies to defend the environment and ensure sustainable development. In January 1995, MICOA began a pilot project, to be gradually expanded to other parts of the country, aimed at establishing environment clubs. In an initial phase, clubs were set up in the Maputo Commercial Institute, in the Boane Agricultural Institute, in the Northwest 1 Secondary School, and in Marracuene. The objectives of these clubs are:

- To provide general knowledge about the environment, ecosystems, ecology and natural resources;
- To create new attitudes towards the relationship between mankind and the environment;
- To learn to love nature, by participating in conservation and environmental preservation activities in each person's community;
- To establish models of good practice in participatory environmental management with the communities, including school communities.

478. The objective of this theme is to include in primary and secondary curricula knowledge and attitudes about population and family life. As from second-level primary education (grades 6 and 7), population matters and family life are dealt with in greater depth in Biology and Geography. The inclusion of themes on population and family life corresponds to the educational policy objective of developing knowledge about health and nutrition.

479. Mozambican society is in transformation and transition from a conflict situation to stability. According to education policy, one of the objectives of the education system is to catalyse social reconciliation through the creation and development of a culture of peace, tolerance of different ideas and building democratic values.

480. The curriculum reform under way centres on interaction between the content of education and its main purpose: to contribute towards tolerance, understanding and national solidarity, and to develop a sense of belonging to a "global village" in peaceful and lasting coexistence. The languages of instruction, together with subjects such as History and Geography, make a substantial contribution to transmitting these noble values and attitudes. Other activities which seek to combat exclusion and develop a spirit of peace and tolerance are student excursions, debates organized around themes of interest, school games, etc.

481. The objectives for education and for culture are intimately linked and contribute to the overall formation of citizens. The cultural dimension of education programmes is expressed by the presence of notions of culture, and values of our national heritage and of our universal heritage, in

subjects such as languages, history and geography. Cultural and linguistic interchanges are thus encouraged with the aim of consolidating linguistic knowledge, and raising awareness of the cultural values of other countries. Other activities include visits by artists to display their talents, the participation of artists in the teaching of artistic themes, and the organization of libraries, cultural centres, exhibitions, etc.

482. Given the prevailing gender imbalances in educational access, participation and success, education policy strongly and clearly formulates measures of equitable treatment for boys and girls in the education system. These measures to establish equitable opportunities for students of both sexes, include:

- The creation of a gender-sensitive school environment, through the identification and definition of ways of organizing the educational process and changes in teacher-training programmes;
- The promotion of alternative systems for providing education for girls, such as the organization of non-formal education programmes (NFE);
- An increase in the number of women teachers, recruiting them in their respective communities and improving their living and study conditions in training centres;
- Establishing agreements with NGOs, religious bodies and other partners for their involvement in carrying through the girls' education programme.

483. Studies throughout the country by MINED in 1996, under the Education of Girls project, revealed the following gender constraints:

- Parents attribute less importance to the education of girls than boys, because of girls' lower social status;
- Parents, guardians and the community in general perceive a low cost-benefit ratio for girls' education;
- Excessive domestic work for girls;
- Tension between traditional education and formal education, including premature marriages and pregnancies, initiation rites, bride price and other aspects;
- Poverty, which aggravates the lack of participation of girls to the benefit of boys;
- Having to leave school due to pregnancy and childbirth, whether in or out of wedlock, resulting in a rise in the drop-out rate for girls;
- The distance between home and school, and lack of opportunities for access to subsequent levels of education;

- Lack of women teachers as role models and to protect girls;

- Tension between formal and religious education, caused in some cases by a clash between the timetables of public and Koranic schools.

484. In order to deal with these measures and constraints, MINED designed the Gender and Education project, with the aim of achieving a gender balance in the education system in the medium term, i.e. 50 per cent women or girls and 50 per cent men or boys, at all levels.

485. Education policy recommends strengthening the connection between education and manpower training and the job market. To attain this, educational policy indicates that technical and professional courses will be planned so as to reflect the development needs of the national economy. The involvement of social partners is considered fundamental, and it is thus advocated that there should be more coordinated work with employers on curriculum development by establishing multisector curriculum planning teams for the various areas of training.

486. Employers and trade unions are called upon to play an important role in the reintroduction and development of a system of assessment and professional certification, through exams of professional aptitude and the identification of professional careers.

C. Free time and cultural activities (art. 31)

487. The right of children to rest and leisure is not explicitly established in the constitutional text. It is regulated in the Declaration of the Rights of the Mozambican Child, which establishes the following principle in the second part of Right Four: "... you have the right to play and to practise sport so that your body may grow full of energy and health".

488. Article 4, paragraph 6, of Presidential Decree 10/96, the Basic Law of the Ministry of Education, is of interest in that it establishes the Ministry's functions in the field of physical education and school sport, namely "to promote and guide physical education and sport in the institutions of education".

489. Council of Ministers resolution 4/96, establishing the Government's policy on young people, takes these principles into consideration, stressing the Government's concern "to promote the occupation of young people's free time by encouraging the organization of holiday camps [and] competitions for young innovators, through the practice of sports and gymnastics and other intellectual and leisure activities".

490. The various guiding principles advocated in the Government's 1995-1999 five-year plan adopted by resolution 4/95 include the Government's undertaking to encourage the practice of physical education and sport and establish the legal framework for its development. Thus, in the field of physical education and sport, the Government plan advocates that measures be taken to:

(a) Promote the rehabilitation, improvement and conservation of sports installations and equipment;

(b) Create conditions, in collaboration with local Governments, for the country to have the infrastructures necessary for the practice of sport;

(c) Encourage the generalized practice of physical education and sport in residential areas, in schools, and in the defence and security forces; to value and publicize traditional games.

491. As for free time, the Government's plan establishes activities to promote the occupation of the free time of children and young people by encouraging the organization of holiday camps, competitions for young innovators, and through the practice of sports and gymnastics and other intellectual and leisure activities. The plan also undertakes to dedicate special attention to establishing conditions whereby young people from the countryside may have access to education and recreation.

492. Presidential Decree 11/96 established the Ministry of Culture, Youth and Sport (MCYS) with the aim of coordinating, guiding and supervising policies and strategies in the sphere of culture, youth and sport. The establishment of this institution sought to promote culture and the harmonious physical development of young people, and to strengthen national unity. MCYS guidelines for its various fields of intervention include the following on sport and leisure:

> "To prepare new generations of Mozambicans, turning them into competent men and women with creative initiative, capable of undertaking tasks in the country's reconstruction and development";
>
> "To organize physical activities and sports on a mass basis so that all citizens may benefit from them";
>
> "To encourage the development of sport for children, recreational sport and competition sports".

493. As for Adolescents and Young People, the MCYS gave priority to the formation of youth associations. There are currently some 300 associations of a social, humanitarian, professional, cultural and recreational character. In recognition of the benefits of music, dance and song for the complementary formation of the individual and for promoting the development of capacities of perception, thought and discipline among children and adolescents, MCYS encourages adolescents to participate in programmes and attend the various schools of music, dance, the visual arts and physical education and sport that operate under its tutelage.

494. In order to maintain close links with the community, the children who attend these schools - about 3,500 a year - also develop circles of interest for children, thus facilitating the right of young people to participate fully in the country's cultural and artistic life in conditions of equality.

495. Two national civil society bodies have also been set up to deal with issues relating to the problems of children and young people - the National Youth Council (NYC) and the Inter-Sector Support Committee for the Development of Adolescents and Young People (CDAY).

496. The NYC, which includes young representatives of various youth organizations from all parts of the country and various political tendencies, seeks to build a space for dialogue and for

interchange of positions and views among the different organizations. It seeks to become a valid spokesperson in relation to the authorities, with the right to be consulted on all matters that concern young people. The Council should also reflect on the aspirations of young people, promoting debates and discussions on their situation and problems.

497. For its part, CDAY brings together representatives from the main Government ministries whose action impacts upon children and young people. The Committee has objectives and interventions in the areas of information, education, communication, health, employment, the environment, vocational training and income generation. The constructive use of young people's free time through the organization of activities that provide leisure and recreation, as well as discovering and enhancing talents in cultural, sporting, scientific and technological fields, is one of the committee's priorities. Thus, in collaboration with cultural and sporting agents and education and research institutions, various activities have been undertaken including the following:

- Provincial youth music festivals involving about 150 young artists and attended by more than 18,000 young people;
- Organization of provincial holiday camps for young people in which over 500 young people took part;
- Facilitating the participation of young Mozambicans in international artistic and cultural exhibitions;
- The annual organization of children's championships in physical education and sport, involving more than 60,000 children over the past four years.

These activities have contributed to youth interchanges in the country and also made it possible to improve their knowledge, since during these activities there are lectures and discussions on the main agenda of youth today, and on the implementation of the rights of the child.

498. Schools and the country's education system are the main base for promoting the right of children to rest and to the practice of cultural and sporting activities. Physical Education is a subject taught in all levels of education throughout the country. In addition, every year during the holidays there is a national sports festival, the School Games. However, their cost and the logistical apparatus required to organize the festivals led to their suspension for several years, but efforts are currently under way to revive them.

499. Also worthy of mention are initiatives by youth organizations and other private institutions to assist minors through the organization of holiday camps, sports championships, exhibitions, or other kinds of activities intended to provide children and young people with the right to rest and to leisure. The organization "Continuadores" of Mozambique,[33] for example, regularly organizes national holiday camps which allow children from various parts of the country to meet each other and to socialize for several days. Many centres for street children also promote sporting or cultural events intended to provide the children with some moments of happiness and to help develop their personalities.

500. At community level, however, it is still difficult to satisfy children's right to leisure and rest. On the one hand, a large number of minors from vulnerable households are obliged to take part in paid work, and spend much of their time selling goods, doing domestic work, or helping their relatives in agricultural production. They are therefore unable to enjoy the right to play or to practise sport. On the other hand, and as mentioned in chapter III.B, there is an increasing shortage of protected spaces in urban areas where children can play and undertake the recreational, cultural and sporting activities to which they have a right.

501. As regards special measures to protect minors from the pernicious effects of some forms of entertainment that are prejudicial to the formation of their personality, and the minimum age for attending shows, Decree 10/88 of 9 August classifies shows as follows (art. 7):

(a) Shows for all ages;

(b) Shows for those over six;

(c) Shows for those over 12;

(d) Shows for those over 18.

502. As for regulations on the use of machines for playing entertainment games, article 12, paragraph 1, of Decree 60/94 of 16 November establishes an important principle for the protection of minors, when it stipulates that children under 12 may not play games on machines covered by that decree. Article 39, paragraph 2 (a) of Law 8/94 of 14 September, which establishes the legal framework for gambling, particularly in casinos, prohibits people under 18 from entering gaming rooms.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

503. The right to asylum is guaranteed by the Constitution, which States that the Republic of Mozambique shall grant asylum to foreigners who are persecuted because of their fight for peace, democracy, national and social liberation, and the defence of human rights (article 64, paragraph 2, of the Constitution).

504. The Republic of Mozambique adhered to the 1951 Convention relating to the Status of Refugees on 22 October 1983, and has also ratified the OAU Convention on Specific Aspects of Refugees problems in Africa, of September 1969 [34] as well as the Protocol to the Geneva Convention, of 31 January 1967.

505. In order to implement these international instruments, as well as the constitutional demands relating to refugees, in 1991 the Assembly of the Republic passed Law 21/91 establishing the appropriate procedural mechanisms to be followed in attributing refugee status. Under article 1 of this law, the following are regarded as refugees, and are thus eligible for refugee status in Mozambique:

(a) Those who have a well-founded fear of persecution because of their race, religion, nationality, membership of a particular social group, or political opinions, and who are outside the country of their nationality, and may not return or request the protection of that country because of the persecution to which they are subject;

(b) Those who are Stateless, who are outside the country where they normally reside, and who do not wish or are unable to return for fear of persecution;

(c) Those who are obliged to leave their places of habitual residence, because of foreign aggression, occupation, or other events which seriously alter public order in part or all of their country of origin, as a result of which they are obliged to seek refuge outside this country of origin or of nationality.

506. After the beneficiary has obtained refugee status, if they wish to join the beneficiary the law allows members of his/her family to enter Mozambique. The category of family member includes the spouse and children under the age of 18 as well as the parent(s) of the beneficiary or his/her spouse (art. 4). The granting of asylum to children arises from this legal provision; there is no explicit legislation on unaccompanied children who attempt to obtain refugee status. However, the country guarantees protection and humanitarian assistance that allows refugee children to enjoy the rights granted to them by the Convention, by the various other international instruments on human rights or of a humanitarian character and to which the Mozambican State is party, and by the internal legislation and principles on the protection of minors which have been dealt with in this report.

507. The protection measures granted by Mozambique to refugees include in particular respect for the principles of non-discrimination and of non-expulsion (non-refoulement) of refugees to a territory where their lives, physical integrity or freedom are threatened for the reasons which led them to seek asylum, established in article 14 of Law 21/91. Furthermore, the law forbids sending a candidate for asylum to any other country before a definitive decision on his/her request for asylum has been taken (art. 15).

508. As regards the legal conditions of refugees, by law they enjoy the rights and duties of foreigners resident in Mozambique. Fundamentally, they are obliged to respect and observe the laws in force in the country, including any restrictions related to the maintenance of public order, and to abstain from any subversive activities against a foreign State. The country may also authorize the beneficiaries of refugee status who so desire, to obtain Mozambican nationality by naturalization, as long as they meet all the requirements of the legislation on nationality.

509. Refugees may also benefit from other rights not applicable to foreigners in general and which arise from the international instruments that have been ratified, including the issuing of an identity document providing proof of refugee status, and a travel document when they have to leave the country (art. 5, paras. 1-3).

510. The authority that is usually competent to decide upon requests for asylum is the Ministry of the Interior, after consulting its Consultative Commission for Refugees. There may be an appeal against this decision to the Administrative Tribunal. After receiving the request for asylum, a provisional residence authorization is generally granted in favour of the petitioner and the members

of his family. It is important to note that after the presentation of the request for asylum, article 11 of the law in question grants the suspension of any criminal or administrative proceedings that the petitioner and his relatives may be subject to, arising from illegal entry into the country. In the case of a favourable decision, and the granting of asylum, such proceedings are definitively shelved.

511. The Refugee Support Nucleus (NAR), previously known as the Support Nucleus for Refugees and Liberation Movements, was established in 1975 to provide support to liberation movements and foreign citizens who sought refuge in Mozambique. Due to the constant war-induced instability throughout the country, which resulted in the massive flight of Mozambicans to neighbouring countries, from the 1980s onwards the NAR represented the Government in attending to the needs of Mozambican refugee populations in their countries of asylum, in coordination with UNHCR and the Governments of these countries. During this process, the NAR played a key role in establishing appropriate mechanisms for the repatriation of about 1.7 million refugees and their subsequent reintegration into Mozambican society. More recently, as the lives of refugees returned to normal and this responsibility was transferred to the new National Reintegration Commission, the Nucleus has returned to its traditional activity of dealing with requests for asylum and assisting foreigners who have taken refuge in Mozambique.

512. After the end of the war in 1992, Mozambique became a place of temporary or definitive refuge for people from various parts of the world. Those from African countries are the most numerous, with increasing numbers of citizens of countries in conflict, in particular people from Angola, the Great Lakes region and the Horn of Africa. There are also some European citizens (from the Balkans), and some from Asia (Afghanistan, Chechnya, etc.). These citizens and their families generally enter the country over the land borders, sometimes illegally. A small percentage enter legally, through the airports. Niassa province in the north of the country, which borders Malawi and Tanzania, is the entry point for the majority of African refugees. For example, data from Niassa indicates that 32 children (accompanied by their parents) of Burundian and Congolese (ex-Zaire) nationality requested refugee status in 1997/98.

513. But the final destination of the vast majority of refugees is the Republic of South Africa, and they enter Mozambique merely in transit. The Mozambican authorities find it difficult to legalize and provide adequate assistance to most of these foreigners, since it is sometimes difficult to distinguish between those who are genuinely seeking asylum and adventurers looking for better living conditions in South Africa and Mozambique. It should be noted that the groups of citizens expelled every week from South Africa and repatriated to Mozambique (see the description of this phenomenon in chap. IV.H) sometimes includes non-Mozambican citizens who were living illegally in South Africa.

514. The full process that culminates in the granting of refugee status is very complex and is regarded as slow, both by the petitioners and the authorities themselves. Indeed, there are cases where refugee status is only granted two years after the request has been made. In an attempt to resolve this problem, the NAR recently announced the Government's pledge to adopt new mechanisms and procedures for granting refugee status. This should speed up the treatment of pending cases. This Statement was made by the NAR during the inauguration of a new centre for refugees in Maputo province.

515. In Boane district, Maputo province, a centre for refugees has been established in Massaca II village, where refugees and their families are offered protection and the possibility of settling down and developing their lives. Several NGOs are providing multifaceted assistance in the areas of health, education, agricultural production and vocational training. In collaboration with UNHCR and NAR, primary education (EP1 and EP2) is being provided for 23 school-age children (7 girls and 16 boys), out of the 42 children living in the camp. There is also a health post that handles the simpler cases. Patients are transferred to the district hospital or to Maputo (about an hour's journey away), if necessary.

516. Since there was no further land for cultivation in the vicinity of the village, some refugee families without school-age children were transferred to Bobole locality, in Manhica district, also in Maputo province. During a visit there by the provincial team collecting information for this report, the refugees said they were satisfied with the way the local people had accepted their presence, and by the fact that they had not suffered any discrimination, which had facilitated their integration. However, the refugees' representatives complained about the lack of educational material for their children in school, and the lack of transport to evacuate sick people in the event of an emergency. As for their legal situation, many of the residents already had refugee status, or the matter was being dealt with through NAR and UNHCR. The team noted that there was a single unaccompanied male child who had requested asylum, and who at the time was continuing his studies in Maputo city.

517. The issue of the rights of refugee children requires special mention of the role played by Mozambique in protecting its own refugee children during the last war. Mozambican refugee children in neighbouring countries, particularly Zimbabwe, Swaziland, Zambia and Malawi, benefited from a series of activities by international organizations that in some cases operated on both sides of the border, sometimes receiving support from the Governments of both Mozambique and the countries of asylum.

518. The existence of dialogue and good relations between Mozambique, the countries of asylum, UNHCR and other international organizations made it possible to plan and coordinate timely responses to the needs of this group, thus avoiding the catastrophes characteristic of large-scale refugee influxes, particularly in Africa.[35] The refugee assistance programme always considered children a priority within the group of "vulnerable people", thus ensuring - to the extent possible - a degree of special protection and attention for them. In general, and as a result of this broad coordination, Mozambican refugee children benefited from a package of protective measures that ensured their survival, and mitigated their emotional and developmental setbacks. These included:

- access to basic health care, including mother and child health and immunization;
- guaranteed food and improved nutrition by encouraging production, when possible, and through the free distribution of food rations;
- access to pre-school, primary and, in some cases, secondary education, using Mozambican teachers and curricula, as well as the books used in the Mozambican education system;

- identification and documentation services for unaccompanied children, and the subsequent search for their relatives and family reunification (activities that took place both within the various refugee camps and also inside Mozambique);

- vocational training in a vast range of artisan activities, which in some cases included the provision of tools and production materials.

519. The main agreements signed in this area envisaged assistance for children, adults and the elderly in general; these were essentially tripartite agreements between the Government of the country of asylum of the refugees, the Government of the country of origin of the refugees, and UNHCR representatives in both countries. Tripartite meetings between these entities, also attended by NGOs as observers, were one of the best forms of cooperation between the various actors in the process, enabling important activities to be planned and programmed, such as:

- the timetable for the repatriation organized in the various countries of asylum;

- the forms of resettlement in the country of origin;

- the forms of food aid;

- the definition of policies to raise funds for the programme;

- priorities and proposals for using the funds made available by the international community.

520. The fruits of this tripartite collaboration were evident in the repatriation and resettlement of the refugee population. As mentioned above, this involved about 1.7 million people in one of the largest operations in which UNHCR has been involved in its entire history. Considering the level of destruction suffered by Mozambique, combined with the overall environment at that time, with a further 4.5 million internally displaced people also being resettled as well as over 90,000 demobilized soldiers, repatriation and resettlement went surprisingly well, without any major problems.

521. This process took place over the 30 months following the signing of the Peace Agreement in 1992, and made possible the return of citizens who had had sought refuge in South Africa, Swaziland, Zimbabwe, Malawi, Zambia and Tanzania. The vast majority of refugees returned to the country spontaneously and by their own means. About 375,000 benefited from transport and reception facilities organized by UNHCR. This massive return of citizens had an impact on seven of the country's provinces, and required an enormous effort by the Mozambican authorities and UNHCR in establishing all the necessary conditions. It cost the United Nations about US$ 100 million.[36]

522. Throughout the process, children were one of the so-called vulnerable groups that merited special attention, and were always accompanied by their families. It is highly significant that there were no recorded cases of children being separated from their families during repatriation, and that no residual groups of unaccompanied children remained in the former refugee camps after repatriation ended. On the contrary, good organization and collaboration

between the agencies involved, UNHCR and the now defunct "Children and War" project made it possible for many children to be reunited with their relatives upon the arrival of the trains, buses and other vehicles carrying repatriated refugees back to Mozambique.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

523. Mozambique has ratified the Geneva Conventions of 1949 and their Additional Protocols, and in its internal legal order is also applying norms from other international conventions relevant to civil protection in situations of armed conflict already mentioned in this document, and ratified or approved by the country. Protection of the civilian population, children in particular, in such emergency situations is thus a national duty.

524. The Mozambique Red Cross was established after independence. Its mandate stresses the protection of citizens in situations of armed conflict. Over the years, the work of this humanitarian association has been strongly supported by the presence in Mozambique of its partner international institutions, such as the International Committee of the Red Cross, and representatives of other international societies affiliated to the League of Red Cross and Red Crescent Societies.

525. As mentioned in the first chapter of this report, in Mozambique it is forbidden by law to conscript children under the age of 18 into compulsory military service. This same prohibition was in force during the last war, which was noted for the involvement of children in military actions, as discussed below. The duty of doing military service and compliance with the ensuing military obligations are applicable to all citizens from the age of 18, the age when it is compulsory for young Mozambicans of both sexes to present themselves for military registration.

526. Under current military service legislation (Law 24/97), incorporation proper into the armed forces normally only occurs in the year of the citizen's twentieth birthday. As 18 is also the age when voluntary recruitment for military service is accepted, it is clear that under no circumstances may citizens under 18 take part in military actions. This clause is only broken in situations of war. Article 2, paragraph 2, of the law on military service allows the possibility of age limits being altered "in time of war". This provision has sparked debate among various Mozambican bodies, since it raises the possibility of recruiting people younger than 18 into military activities.

527. For the first time in the past 35 years, since the last war ended in 1992 the country has experienced seven consecutive years of peace. Indeed, several cycles of violence have shaken Mozambique since 1964, when the national liberation struggle started, passing through wars of aggression waged by the former regimes of Southern Rhodesia and of apartheid, and culminating in the armed conflict that ended in 1992. Despite the legal and humanitarian principles mentioned above, the nature and brutality of the military actions that characterized the last civil war made effective protection of the civilian population impossible. It had a devastating effect on children, given their total vulnerability, particularly in the countryside. The number of children killed as a direct result of armed actions remains unknown, although estimates indicate

that about 45 per cent of the victims of the war, estimated at a million dead, were children under 15 years of age.[37] Studies in 1987 were already indicating that a third of newborn Mozambican children would die before they reached the age of five.[38]

528. The psychological and social impact of the violence to which most civilians in war-affected areas were exposed also had a strong effect on children. Subjected to violence, brutality and other traumatic experiences, many children witnessed the death of other people and, totally vulnerable, they became victims and instruments of war actions. At the end of the conflict, it was estimated that about 6 million Mozambicans had been forced to abandon their homes and areas of residence: 4.5 million were displaced internally, and 1.7 million were refugees in neighbouring countries.

529. Various studies and research were carried out throughout the duration of the conflict, by the Government, international organizations, and Mozambican and foreign academics. This work was undertaken in centres for displaced people, in institutions, in refugee camps, and among communities affected by the war. Of special note are the studies that covered aspects of the war's psychosocial impact on children, and those focusing on the traditional methods whereby families themselves and communities resolve these problems. These studies include the Lhanguene initiative (1988), work by the Ministry of Education (1989), the Ministry of Health (1983), Save the Children USA (1991), the Mozambican Red Cross (various), and other institutions. These studies played an important role in defining strategies, assessing and improving programmes, and acquiring the resources to implement them.

530. The studies were unanimous in noting that the children affected developed social and psychological problems directly associated with their experiences, namely nightmares, sadness, depression, aggressive behaviour, isolation, loss of trust in adults, etc. These are effects that could have long-term repercussions on their lives. Of the children who survived, in 1989 UNICEF estimated that about 250,000 had been orphaned or separated from their families as a result of the war. Throughout 16 years or so of violence, the right to basic health care and education was denied to the great majority of children living in war zones, because the health and school systems and networks were devastated. One of the studies mentioned above, covering both boys and girls, presented the following results:[39]

92 per cent were forcibly separated from their families;

77 per cent witnessed killings, usually in large numbers;

88 per cent witnessed physical abuse and/or torture;

51 per cent were physically abused or tortured;

63 per cent witnessed kidnapping and sexual abuse;

64 per cent were kidnapped from their families;

75 per cent of the kidnapped children were forced to work as porters;

28 per cent of the kidnapped children (all boys) were trained as combatants.

531. From the time they were separated from their families, these children were subjected to a sequence of physical and psychological abuses. They were the targets and victims of abduction, torture, aggression, rape and forced labour, in war zones, in centres for displaced people, and even in refugee camps: in some cases, young children were forcibly used in military actions. The factor common to many of these children was the fact that they were separated from their families. Consequently, the main focus of the assistance provided has been to seek all means of resolving this problem through family location and reunification programmes.

532. The official response of the Mozambican Government as regards caring for the growing number of unaccompanied children due to the war took shape in 1985, following a national seminar that adopted a programme to support "children in difficult circumstances". Judiciously, this policy recognized that in defence of their best interests, priority should be given to helping these children to be reunited with their families as soon as possible. If this was not possible, they should be housed with appropriate foster families. The use of institutional forms of accommodation in orphanages and centres was strongly discouraged, and only used as a last resort. This policy was implemented by the Ministry of Health though its National Directorate of Social Welfare was later transferred to the State Secretariat for Social Welfare and finally to the Ministry of Social Welfare Coordination, as and when these institutions were established.

533. In addition to the initiatives by Social Welfare, the Ministry of Health established special strategies on care for children affected by the war that, with the resources available, attempted to counteract the causes of the high mortality rate within this group. For example, supported by several national and international institutions, and in coordination with the emergency programme, nutrition rehabilitation centres were set up in displaced people's camps, hospitals and health posts, and special immunization and mother and child health programmes and programmes to combat epidemics were set in motion. A further important initiative was the physical rehabilitation programme and the supply of artificial limbs for war-disabled people. Humanitarian organizations were encouraged to rehabilitate and operate clinics in poor and remote areas, while at the same time community health brigades attempted to reach isolated households and communities, despite the dangers and constraints imposed by the war: the contribution made by the members of the Doctors Without Borders organizations (Belgium, Spain, Switzerland, France) deserves special mention in this respect.

534. The Ministry of Education also drew up special policies and strategies on support for this group of children. Through its Special Education Department, a national programme was set in motion that sought to train primary teachers to seek out and assist children with psychological problems, while at the same time giving priority and facilities for the transfer and enrolment of children from war zones or from refugee camps. In an effort to guarantee the right of displaced children to education, the opening of schools was encouraged in the major displaced people's centres, and in refugee camps in neighbouring countries. These guaranteed primary, and in some cases secondary, education, with special pedagogical accompaniment from MINED.

535. As mentioned in the previous chapter, Mozambican refugee children in neighbouring countries also benefited from multifaceted and coordinated assistance, which culminated in the repatriation and satisfactory resettlement of most of the 1.7 million refugees.

536. The context in which attempts were made to assist children during the war - an emergency situation, a generalized shortage of human, technical and material resources and access difficulties - makes the Mozambican response positive, albeit insufficient, given the scale of the problem. In general, the sector policies of Education, Health, Social Welfare and Emergency included affected children on their agendas, stressing that activities in favour of this group should have priority. Wherever circumstances and location permitted, attempts were made to attenuate and reverse the effects of the war and to safeguard some basic rights of children, especially primary health care, family reunification and education.

537. Good coordination of efforts and collaboration between government bodies, NGOs, donors and intergovernmental agencies greatly facilitated implementation of the major assistance strategies. Spontaneous initiatives by families and communities in search of survival alternatives and the restoration of their lives also contributed. Indeed these sui generis responses of the Mozambican population were responsible for the success of the main initiatives to get life back to normal, such as family reunification, repatriation, the reintegration of demobilized soldiers and resettlement, where the best formal efforts only constituted a small percentage of the overall response.[40]

538. In recognition of the negative effect of institutional care on the development of war-affected children, and because it is a form of care foreign to traditional Mozambican practices, the accommodation of unaccompanied children and orphans in institutions such as orphanages or centres was always discouraged, and was only adopted as a (last) temporary resort, while efforts were under way to look for relatives or find foster families. This approach had the virtue of preserving and strengthening traditional and spontaneous community mechanisms for supporting children separated from their families, the most appropriate response to the problem, while at the same time freeing the State from the difficult and burdensome task of providing accommodation and care for these children.

539. Thanks to the Family Location and Reunification Programme (FLRP), during the first year of the implementation of this strategy dozens of centres established by district authorities to accommodate children separated from their families were closed. At the same time, the number of children living in State orphanages was reduced. In some provinces only one orphanage remained open in the provincial capital caring on average for no more than 50 children (Nampula, Zambezia and Tete, prior to the opening of the SOS village), while in Cabo Delgado, for example, there was never any need for care of this sort.

540. The Mozambican experience shows that reunification with the family is one of the main priorities of children and families who are victims of armed conflict. It is of great psychological and social importance for their recovery, and for their future performance in society. In a situation of war, drought and hunger, separated families were reunited thanks to special motivation in the mutual search for contact, facilitated by informal and community networks of communication and solidarity. The official family reunification programmes were only successful because they managed to identify and collaborate with these traditional networks.[41] By 1994, the data gathered by the Family Location and Reunification Programme indicated that over 20,000 children had been returned to their families.

541. Children separated from their families during wars, refugee movements or natural disasters are subject to additional psychological risks, which can be made worse if other adversities occur, such as exposure to violence, death, abuse and hunger.[42] In Mozambique, where this cycle was experienced by thousands of children, the separation from and loss of relatives constituted their greatest trauma, to the point of acting as an obstacle to the children's psychosocial recovery, even in cases where they benefited from the best forms of psychological assistance. Reunification with relatives, even if living under precarious socio-economic conditions, opened the door to solving many of the emotional and behavioural problems expressed by these children in the period when they were alone or in institutions.

542. The number of children who were directly involved in armed conflict is unknown. In the definition generally used in Mozambique, this group comprises those children who during the war had contact with the military apparatus, that is, who were trained, learnt how to use instruments of war, took part in combat, acts of espionage, the movement of military material or other operations of military logistics.

543. Official data indicate that about 28 per cent of the demobilized soldiers (around 25,000) - mostly from the Government - were under 18 years old at the time they were recruited, and a 1996 study noted that 42.4 per cent of soldiers interviewed and officially demobilized after the peace agreement were students before being recruited. The real number of children used in the ranks of Renamo is also unknown. With the relaxation of control in the former Renamo bases shortly after the signing of the peace agreement, many children fled and returned spontaneously to their zones of origin, or benefited from programmes that sought out relatives and promoted family reunification. About 2,000 of these children were documented, 850 of whom were later reunited with their families. The number of children and young people involved in the traditional self-defence groups, the "naparamas", is also unknown. It is merely known that most of the young people currently aged between 14 and 20, and living in vast areas of some districts of Nampula, Zambezia and Cabo Delgado, took part in the "naparama" army.

544. From the start of the war several psychological rehabilitation programmes were implemented, both in Mozambique and in refugee camps. But it was soon demonstrated that the psychological treatment approach of the Western type, quite apart from the resources required for its characteristic individualized treatment, did not fit the traditional African perspective on the interpretation of trauma, and thus caused the rejection of families or the stigmatization of children assisted by these programmes.[43]

545. Behavioural and emotional malfunctioning, generally diagnosed as symptoms of psychological trauma, take on another explanation in the traditional African context. These disturbances are generally associated with the ancestors, with spirits of war, or even with the spirits of the victims. Treatment therefore involves reuniting the child with his biological and spiritual family, and performing ceremonies of purification, reconciliation and homage to the ancestors. For example, the negative consequences of participation in the war by "naparama" children, were treated by traditional leaders who submitted the muharossi[44] and other guerrillas to a special therapy which included vaccines, supposedly to make them invulnerable to bullets and "the evil spirits of war" (this category could include the psychological effects of trauma). This protection was strengthened by ceremonies of farewell and of accountability to Nacuro,

the protective spirit, before and after each military operation. At the end of the war, the "naparamas" also organized collective ceremonies to thank the Nacuro, offering gifts at a tree that symbolizes his home.

546. The programmes that had the greatest success in this context were those that were able to associate Western techniques with traditional methods of purification and reconciliation, creating opportunities and collective alternatives of life for all children living in the same geo-family space, without any kind of distinction.

547. The care provided for child victims of the armed conflict in Mozambique was always a matter for strong coordination between ministries (especially between Health, Social Welfare and Education), between the Government and its international partners, and among NGOs. These coordinated efforts produced very satisfactory results in reducing the impact of the war on children. The role of Governments and bilateral and multilateral agencies in financing programmes and in technical and institutional capacity-building was also crucial for programme implementation, especially in emergency care, and in creating basic conditions for the survival of the affected population. The role of international agencies should also be mentioned, such as the International Committee of the Red Cross, the members of the Save the Children International Alliance (United States, United Kingdom, Redd Barna), the various United Nations agencies, the members of the Doctors Without Borders family, Handicap International, Ibis and many others. As for the Mozambican NGOs, they continue to play a key role in supporting communities and children in various parts of the country, and their work is indispensable for the continuation and development of activities in support of this group of children.

548. The needs of children formerly affected by the war continue to warrant special concern on the part of the Government and its national and international partners. A study in 1997 by the Community Development Foundation[45] showed that, despite the passage of time and the positive responses, there are still a large number of adolescents and youth, in both urban and rural areas, who lack opportunities and alternatives in life. The study thus recommended that new strategies and interventions be designed to encourage the involvement of all actors in programmes that address the specific needs, characteristics and interests of this group, particularly through training, and the establishment of income-generating projects.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

549. Although the Constitution does not focus specifically on the administration of justice for minors, it does establish the legal framework under which general measures of criminal protection are taken, arising from some principles enshrined in the country's fundamental law, namely:

(a) The principle that in Mozambique no one may be arrested and put on trial except in accordance with the law; the principle that persons charged with an offence have the right to presumption of innocence until final judgement has been passed (art. 96); the principle that no citizen may be punished for an act that was not considered a crime at the time it was committed and that criminal laws may only be applied retroactively in favour of the accused (art. 99);

(b) The guarantee by the State of the access of citizens to the courts, and the right to defence and to legal assistance and representation, including the pledge by the State that justice shall not be denied for lack of resources (art. 100);

(c) The principle that preventive detention may only be permitted in cases provided for by the law, which shall fix the time limit for this detention, and that citizens held in preventive custody shall be brought, within the period fixed by law, before the judicial authorities who alone have the power to decide on the validity and continuation of imprisonment (art. 101);

(d) The right of the citizen to interpose a writ of habeas corpus, in the event of illegal imprisonment or detention, with the habeas corpus writ interposed before a court, and its procedures fixed by law (art. 102).

(e) The guarantee that Mozambican citizens cannot be expelled or extradited from the country, while the extradition of others may only take place by court decision, and never for political motives (art. 103).

550. As regards criminal protection measures under ordinary legislation, of relevance are the principles established in the Penal Code, particularly the principle established in article 42, paragraph 1, according to which children under 16 years old are not criminally liable. This legal provision means that no person aged under 16 can be subjected to criminal liability, that is, the person may not be subject to penal measures depriving him/her of his/her liberty.

551. Article 43 of the Penal Code also establishes that minors aged between 10 and 14 who acted without knowing what they were doing and all others who, for any other motive independent of their will, were accidentally deprived of the exercise of their intellectual faculties at the moment of committing the punishable act, may not be held criminally liable.

552. Deprivation of liberty is covered by the principle established in article 107 of the Penal Code, whereby if the criminal is under 21 at the time of the crime, he or she will never receive a punishment greater than a prison term of 12 to 16 years. If the criminal is under 18 at the time of the crime, he/she shall never receive a punishment greater than a prison term of between two and eight years (art. 108).

553. The Statute on Jurisdictional Assistance to Minors (SJAM), which is an integral part of Decree 417/71, establishes the parameters for assistance to minors in the field of crime prevention, through the application of measures of protection, assistance or education as alternatives to detention. The Statute grants the Juvenile Court and the civil sections of the law courts the power to decree civil preventive measures (article 34 of the SJAM) and crime prevention measures for minors, under the conditions described below.

554. The country currently has no institutions or authorities exclusively dedicated to looking after children who are suspects, accused of, or recognized as guilty of offences under the Penal Code. There is also no adequate system allowing the application of measures of assistance and education, as advocated under the law. Given the lack of such provisions, the current

practice of the police and judicial authorities in dealing with children involved in infringement of the law is limited to warnings and reprimands, and in some cases to holding their parents responsible. The children are released and handed back to their families.

2. Treatment of children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))

555. As mentioned above, minors under 16 years of age fall under the jurisdiction of the Juvenile Court, and only assistance, education or corrective measures envisaged in special legislation, the Statute of Legal Aid to Minors, may be taken. As regards criminal protection measures, the provisions of article 16 of the Statute give the Juvenile Court the power to determine measures for those minors under 16 who:

(a) Through their condition, their behaviour or their tendencies reveal serious difficulty in adapting to normal social life;

(b) Are beggars, vagrants, prostitutes or promiscuous;

(c) Are the agents of an act described as a crime or misdemeanour in penal law.

556. The measures envisaged under article 17 also apply to minors over 16 who show themselves incapable of respecting family or work discipline, or the discipline of the educational or care institution where they are living. If, during the application of the measure, a minor aged 16-18, commits a criminal offence, and if the personality of the minor and the gravity of the act so advise, the Juvenile Court may take this into consideration and review the measure (art. 18).

557. As regards the specific measures applicable to minors under 16 years of age, article 21 of the SJAM stipulates that only the following measures, individually or cumulatively, shall be applied:

(a) A warning;

(b) Delivery to the parents, tutor, or person charged with looking after the minor;

(c) Attended liberty;

(d) Good conduct bail;

(e) A deduction from income or salary;

(f) Placement in a suitable family, or in an official or private education establishment;

(g) Placement in an apprenticeship or work regime in any official or private body;

(h) Placement as a semi-boarder in an observation centre;

(i) Assistance from a medical/psychological institute;

(j) Confinement to an educational institution.

558. Procedural rules, particularly those concerning prevention of criminality, contain some essential principles aimed at protecting minors, both at the moment the offence is committed and in the future, since the secrecy of the entire proceedings is guaranteed, even after the case has been filed away. Thus, under article 49 of the SJAM, the prevention of criminality process is secret, even if it has been filed away, and may not be requisitioned by other bodies, nor may any papers be extracted from it, except when stipulated in special provisions.

559. Article 53 also makes it compulsory that each prevention of criminality case can only concern one minor, even if he/she is accused of several acts committed on the same or on different occasions, or if he/she acted jointly with others. It can be deduced from this article that in this sort of case there are no co-accused.

560. More recently, thanks to advocacy and public education work by national bodies concerned with human rights and children's rights, training activities and publicizing legislation on minors and the Convention on the Rights of the Child itself (see paras. 38-39 above) among the police and legal authorities, there has been a significant improvement in the treatment of children who break the law. This improvement is reflected in the reduction in the number of minors detained and imprisoned, as well as a reduction in the number of cases of aggression and torture by the police. Action by the Attorney-General's Office has ensured that a number of minors detained in prisons have been released during inspection visits.

561. Despite these efforts, reports indicate that the detention of minors persists in various parts of the country. This is due to the poor training and ignorance of legal norms on the part of the policemen involved. Furthermore, it is more difficult to implement the principles of protection and absence of criminal liability of minors in the districts, particularly when there are no courts to permit speedy intervention on behalf of the minors detained. During the preparation of this report, the provincial commissions involved in collecting data identified the following cases of the detention of minors.

562. In Cabo Delgado 10 minors, all boys aged 15, were detained in the Pemba Civil Prison. Seven had been detained in 1998. As they had no identification papers, it was only discovered that they were minors when they went for trial, after being deprived of their liberty while awaiting trial.[46] In Manica, 38 cases were cited of children deprived of their freedom for various crimes. Their ages ranged from 11 to 16.[47]

563. In Tete province, 20 cases were reported of children detained in the provincial capital. The total for the province was 59 boys detained, aged between 11 and 16. The crimes committed by these minors were mostly theft, but there were also five cases of vagrancy and two of

consumption of narcotics. The Tete report also states that a commission has been set up with representatives from the provincial attorney's office, social welfare and the police, which makes regular visits to the prisons to record and follow the cases of detained children, so as to guarantee legal aid and health care for the children concerned, as well as a speedy resolution of their cases.[48]

3. Sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

564. It has already been mentioned in the chapter on the right to life that under article 70 of the Constitution, there is no death penalty in the Republic of Mozambique. As for life imprisonment, reference was also made to the principle established in article 108 of the Penal Code, which forbids any punishment greater than a two- to eight-year prison term for individuals who were aged under 18 at the time they committed the crime.

565. It is clear that under current legislation, exhaustively listed in previous chapters, and in accordance with the precepts of the main international human rights instruments to which Mozambique is a party, society guarantees protection for children against torture and cruel and arbitrary treatment. However, there is still a need to strengthen legal provisions and ethical procedures in order to ensure that, in cases where detention is inevitable, treatment appropriate to the age and needs of the minors involved is guaranteed, they are allowed frequent contact with their family, they have immediate access to all necessary legal assistance, and they have the freedom and right to ensure their defence.

566. During the preparation of this report, it was the unanimous opinion that there is a need to strengthen training in national and international legislation on minors for all those involved in the administration of juvenile justice, as well as the managers and staff of the units where children may eventually be subject to detention measures.

4. Physical and psychological recovery and social reintegration (art. 39)

567. The justice administration system for juvenile offenders does not yet possess mechanisms for the physical and psychological recovery and social reintegration of children who infringe the law. As mentioned above, children under 16 years of age are not submitted to any detention measure, and are returned to the care of their relatives. There is a need to create alternatives to detention, particularly with a view to providing the relevant assistance to which the child is entitled, as well as greater coordination with other social sectors such as Social Action, Education and civil society organizations that are able to incorporate such children into their juvenile rehabilitation programmes.

568. There is also an identified need to establish mechanisms of cooperation between the authorities responsible for justice administration for minors and communities, which have the potential to support the recovery and reintegration of juvenile delinquents. There is also an urgent need to fill the vacuum by creating occupational and recreational centres as well as special services that can respond to the needs of children at risk.

C. Children in situations of exploitation, including their physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

569. The right of Mozambican citizens to work, regardless of their sex, is based on the Constitution, in particular articles 88 and 51. As regards ordinary legislation, it is important to note the principles established in Law 8/98 of 20 July, the Labour Law. Article 79 of this law forbids employers from employing minors under 15 years of age, except in cases of derogation determined jointly by the Ministers of Labour, Health and Education, and with the authorization of their legal representatives. This legal provision allows minors aged between 12 and 15 to work under special conditions. Under the terms of the General Statute of Civil Servants (Decree No. 14/87), the minimum age for admission to the civil service is 18.

570. As regards the right of minors to special protection to ensure their all-round physical, mental and social development, Article 80 of the Labour Law urges those employing minors to adopt measures for their education and professional training and to provide them with working conditions appropriate to their age, avoiding any damage to their physical and moral development, in coordination with the trade union committee in the workplace. The same law forbids the involvement of workers under 18 years of age in unhealthy or dangerous tasks or those requiring great physical effort, as defined by the relevant authorities, after consultation with the trade union organizations and the employers.

571. The normal period of work for minors aged between 15 and 18 shall not exceed 38 hours a week and a maximum of seven hours a day. Employers are required not to pay less than two thirds of the adult wage for the same occupation.

572. Article 81 also establishes that minors shall not be employed unless they have first undergone a medical examination to assess their physical strength and mental health. This examination must pronounce them fit for the work on which they shall be engaged, and presentation of a medical certificate of aptitude for employment is mandatory.

573. The law also requires (art. 82) that the aptitude of minors for employment should be subject to annual medical verification. Labour Inspection officers are empowered to demand medical examinations, in order to certify whether the work these minors are obliged to undertake, through its nature or through the working conditions, is prejudicial to their age or physical condition. If it is found that the minor is working in conditions that are particularly dangerous to his/her health or morals, the law allows him/her to be transferred to another job or, should a transfer not be possible, the work contract to be annulled with just cause, with the right to compensation.

574. The defence of school attendance has been a constant feature in labour legislation in the Republic of Mozambique. A variety of provisions forbid the employment in any kind of work of young people whose ages fall within the limits of compulsory education. The information provided by employment centres on the demand for jobs by minors aged 15-18 show that there were 5,740 such applications in 1997.[49]

575. Socio-economic aspects are a determining factor in the effectiveness of current legislation on child labour. Despite the legal restrictions, given their extreme poverty and the shortage of schools and professional training centres, particularly in rural areas, their situation obliges many Mozambican parents and guardians to put their children to work (from the age of seven) in order to complement the income/subsistence of the household.

576. In urban centres and peripheral areas there are increasing numbers of school-age children and youths who are not studying or are unable to study, and who sell various products and services in the streets or markets, or provide services under precarious and difficult conditions in private transport vehicles and the hotel and catering industry.

577. Analysis of the results of the demographic survey undertaken in 1991 shows that under the socio-economic and cultural conditions of Mozambique, it is not possible to determine a homogenous working age for both rural and urban areas. On average, in urban areas the 7-14 school-age population that is economically active is under 7 per cent; in rural areas it is over 30 per cent. This is because young people in urban areas are mostly studying or inactive.

578. The Government is making an effort to deal with this situation. Council of Ministers resolution 6/97 of 4 March, on labour policy, contains the following objectives:

(a) Implementing the principle of the right to work established in the Constitution, which presupposes economic and social development to resolve the employment problem in a sustained manner, to create healthy labour relations and to develop effective social security systems;

(b) To promote full employment, guarantee labour legality, protect the workers and consolidate social consultation on labour matters;

(c) To promote the creation and expansion of productive and freely chosen job opportunities for all citizens, without discrimination of any kind, and enhancing and developing social and economic resources, having in mind the organization and balance of the employment market;

(d) To promote a harmonious relationship between workers and employers, better working conditions, labour legality, and the creation and development of activities to prevent professional risks and protect the physical and mental integrity of the workers, in order to bring about dignified work, peace and social progress.

579. The strategic objectives of the resolution include the introduction of professional training activities aimed at the unemployed in general, but with particular emphasis on training young candidates for their first job, providing them with professional skills that enable them to apply for jobs.

580. To implement the principles on the contracting of minors, Ministerial Decree 17/90 of 14 February regulates labour inspection in the following fields:

(a) Controlling the conditions for the admission of minors, apprentices, and workers undergoing training;

(b) Verifying compliance with the provisions concerning the work of women and minors;

(c) Verifying the existence and activities of the assessment commissions, amongst others.

581. As regards the work of minors, at harvest time children younger than the age established in Law 8/98 of 20 July are employed in agriculture and paid less than the statutory minimum wage. In some vehicle repair and carpentry workshops the jobs are not paid at all, as they are treated as apprenticeships requested by parents or guardians. When wages are paid, they are only 60 per cent of the national minimum.

582. The issue of child labour remains a phenomenon that is very difficult to measure merely through inspection activities. Hence the efforts of the Labour Ministry to obtain support for a household survey.

583. The situation with regard to hygiene and safety is characterized by the failure of some companies to observe the requirements for compulsory collective insurance, lack of protection for workers, and absence of fire extinguishers. Measures aimed at resolving this situation will include stronger demands by the Labour Inspectorate, as well as studies on the reasons behind violations of health and safety norms at work, in order to identify the most acceptable solutions.

584. Law 8/85 of 14 December established restrictive, incomplete and inadequate norms on collective bargaining rights at the various levels of collective employment. The judicial process for solving labour disputes is slow, expensive, excessively bureaucratic and inappropriate for the interests of the parties concerned.

585. The law was incomplete in its coverage of international labour norms, particularly those relating to freedom of association, the right to organize and collective bargaining, and the right to strike. The law did not consider the principles, rights, freedoms and guarantees for work established in the 1990 Constitution. It was ill-adapted to the new political, economic, social and cultural context and the new economic system pursued by the Government.

586. The new Law 8/98 of 20 July gives priority to free and voluntary collective bargaining with minimum interference by the labour administration and the courts. It promotes extending the right of collective bargaining to all levels of organization: unions, federations or confederations of trade unions and employers' organizations. It contains clearly defined express provisions on trade union rights, and on the organization and exercise of collective bargaining and strikes. It establishes a simplified system for conflict resolution which includes conciliation, mediation and arbitration, which are speedier and less expensive than resorting to the courts.

This law better corresponds to the fundamental principles, rights, freedoms and guarantees established in international labour conventions and other normative instruments of the ILO and the other organizations of which Mozambique is a member.

587. The law conforms to the precepts of the Constitution as regards the right to productive and freely chosen work and job security; the right to just remuneration and to the protection of wages; the prohibition of discrimination in the opportunity to choose and exercise a profession; protection and safety at work; the right to social security; the rights to professional organization, collective bargaining and strike.

588. The new Labour Law promotes justice in labour relations between employers and the workers they employ. It covers national and foreign employers in the country, whether they be private, public, State-owned, Cooperative or non-governmental, in all sectors of economic and social activity. It covers all workers - men, women, youths, minors aged 12-15, disabled people - whether Mozambicans or foreigners. The law does not apply to civil servants, the armed forces and the police as they have their own statutes, given the nature of their activities at the service of society as a whole.

589. As regards the regulation of child labour, the Ministry of Labour is responsible for making public opinion aware of the harmful effects of child labour, and guiding and coordinating actions aimed at reversing the current situation in the country. It is drafting specific regulations on the work of minors.

590. These regulations will prohibit work in the streets, squares, stalls and other public places, unless previously authorized by a judge in the Juvenile Court, who must verify whether this occupation is indispensable to the child's subsistence or that of his parents, grandparents or brothers and sisters, and whether it might not be harmful to his moral character. In establishments situated in places a long way from schools, an appropriate place shall be maintained where the minors may be given primary or compulsory education.

591. Despite these government efforts, the Mozambican school network is insufficient; there is a shortage of infrastructures for the training and integration of thousands of children, mostly from poor families, and orphans. They are thus exposed to degrading forms of child labour, with no opportunity to study or to acquire a decent profession. It is our belief that regulating child labour will eradicate degrading forms of work for minors, and will develop the rights of children in Mozambique.

2. Drug abuse (art. 33)

592. The increasing consumption of, and trafficking in, drugs and narcotics among the younger sections of the population, and the confirmed existence of international networks of drug traffickers operating through Mozambican territory led to the adoption of a new law in 1997 intended to improve the legal instruments to fight illicit drug trafficking and consumption.

593. Law 3/97, passed by the Assembly of the Republic in March 1997, attempts to transpose into domestic law the norms and principles of international public law, particularly the

provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), strengthening the principles of the existing Penal Code and the Code of Penal Procedure.

594. Under this law, penalties are stipulated for unauthorized individuals who take part in the production, transport, distribution and consumption of substances and derivatives mentioned in the tables adopted by the same law. When these acts involve minors, the penalties may be increased, and can reach prison sentences of 25 to 30 years.

595. The protection of children is also guaranteed by the provisions of this law. It raises by a quarter the minimum and maximum penalties for offenders in cases where the substances or derivatives were delivered to or intended for minors (art. 40), in cases where the offence was committed on the premises or in the immediate surroundings of social welfare bodies, educational establishments, or other places where educational, sporting, recreational or social activities are practised (art. 40 (h)), or when the offender uses, in any way, the collaboration of minors or disabled people (art. 40 (l)).

596. Incitement to use narcotics or psychotropic substances, whether in public or in private, is punished with a two- to eight-year prison sentence and a fine of between 10 and 40 million meticais (art. 43 of Law 3/97). The minimum and maximum limits of these penalties are increased by half when, among other aggravating circumstances, the crime was committed in relation to a minor, a disabled person, or someone in the care of the offender for treatment, education, or supervision.

597. As for consumption, article 55 exempts from punishment offenders who are minors, if they are not repeat offenders and if they voluntarily agree to undergo medical treatment if they are addicted. Anonymity is guaranteed for minors (this is reiterated in art. 56, para. 2). In cases involving minors, article 73 of Law 3/97 remits the matter to the jurisdiction of the Juvenile Court for protection, assistance and education measures, to apply the measures envisaged in the law, with the necessary adaptations, when the person subject to them is under 16 years old.

598. The Republic of Mozambique has adhered to the following instruments of international public law:

> Convention on Psychotropic Substances, and the Single Convention on Narcotic Drugs through resolution 8/90 of the now-defunct People's Assembly;
>
> United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, adopted through resolution 11/96 of the Assembly of the Republic.

599. At regional level, the Head of State was a signatory to the Protocol on Combating Illicit Drug Trafficking in the Southern African Development Community (SADC). At the level of civil society, representatives of Mozambican non-governmental organizations signed the Bangkok Declaration, adopted in 1994 at the World Forum of NGOs on the Reduction of Drug Use.

600. In compliance with the provisions of the above-mentioned international instruments, and on the basis of updated recommendations by the Commonwealth and Interpol, the Ministry of Justice is working on a bill on extradition and is concluding a bill on money-laundering. Through this Ministry, the country also participated in preparing a draft extradition agreement with South Africa, and in coordination with the Ministry of the Interior and the Ministry of Foreign Affairs and Cooperation, forms part of the team assessing the programme to implement the SADC Protocol.

601. Through the Ministry of Education, the Republic of Mozambique has adhered to the Salamanca Declaration on Special Needs Education, the text of which lays particular stress on the problem of drug consumption among students.

602. A special preventive measure adopted by the country was the creation, under Law 3/97, of the Central Office for Drug Prevention and Combat. The essential aim of this office is to centralize information that facilitates investigations into the illicit trade in narcotics and psychotropic or related substances, to coordinate the planning of actions to repress this trade, to collaborate to this end with the relevant investigating and repressive authorities, and to cooperate with similar services in other countries. The Office also has the task of participating in the formulation of policies and strategies aimed at repressing the consumption of these products.

603. It is also incumbent upon the Central Office for Drug Prevention and Combat to establish and maintain close contacts with the governmental institutions directly responsible for the struggle against the traffic in and use of drugs, with the specialized services of the Ministries of Health and Social Action, with the police and customs authorities, and with the administrative authorities responsible for controlling and monitoring activities related to narcotics, psychotropic substances and their precursors.

604. In conformity with the provisions of international instruments adopted by the country and listed below, the law gives this Office the responsibility of providing the United Nations with annual reports on the application of these conventions, detailed reports on cases and methods of illicit traffic of an international character, and any other information on the illicit traffic that may be requested by the various bodies of the United Nations. In the 1988 report,[50] the Government states that work is under way to set up drug prevention and combat offices in the provinces, in order to expand the activities of the Central Office. Also in hand is the preparation of regulations pertaining to Law 3/97, and the preparation of policies and strategies for the prevention and repression of the illicit traffic in and the consumption of narcotics.

605. A new strategy by the Police of the Republic of Mozambique (PRM), currently being implemented throughout the country, seeks to strengthen constant surveillance of suspect places that may be used as corridors for drug trafficking and consumption, namely ports, airports, frontier areas and public road and rail terminals. Anti-drug brigades have also been set up in all the provinces. A brigade using trained dogs to search for drugs in luggage and vehicles is under experimentation. The PRM has affiliated itself with the regional drug combat network and collaborates closely with Interpol.

606. The customs authorities have adopted procedures to improve control over the illicit import and export of drugs. Customs officers are being trained in techniques for identifying these substances. The customs authorities are also promoting a regular exchange of information with their counterparts in the region, particularly with South Africa and Zimbabwe. There is especially strict control and inspection of merchandise originating in the Far East and in South America.

607. Thanks to these provisions, important cases of international drug trafficking have been detected in recent years, and the local people involved have been prosecuted. Of particular significance were the seizure of 40 tonnes of hashish in 1997, the dismantling of premises, equipment and materials used to manufacture mandrax in the Trevo neighbourhood, on the outskirts of Maputo, as well as the seizure of a further 14 tonnes of hashish and the dismantling of a gang of traffickers in Quissanga, in the coastal zone of Cabo Delgado province in the north of the country. In Mavalane airport, in Maputo, in 1998 a foreign citizen was arrested for possessing 6 grams of cannabis resin and 47 squares of paper impregnated with LSD.

608. According to the above-mentioned government report, in 1998 130 traffickers were arrested. Of these, 39 were convicted, an 83 per cent increase on the previous year when only 71 individuals were accused, charged and convicted. As regards consumption, the report says that in 1998 1,327 criminal proceedings were begun concerning the consumption of narcotics of which 400 were sent to the courts. Various quantities of hashish, cannabis, heroin and Diazepan pills were seized from sellers and consumers, and 34 fields of cannabis were destroyed.

609. Primary prevention activities are set forth in article 90 of Law 3/97, which grants the Government, in coordination with the Attorney-General's Office, the power to plan, implement and assess specific actions, measures and programmes to prevent drug use and consumption. In the same article, the Law urges the Government:

(a) To include in the school curriculum basic health education programmes, including the prevention of drug consumption;

(b) To provide for the initial and continual training of teachers, giving them the skills to monitor and develop the actions described earlier;

(c) To undertake specific programmes of primary prevention of drug addiction in schools.

610. A drug prevention and combat commission is being established which will try to arrange anti-drug assistance, particularly among students, and help the recovery and reintegration of pupils who may be addicted. The activities of the commission will focus on public and private educational establishments, as well as all institutions under the responsibility of the Ministry of Education. There have been a number of initiatives to prepare the Provincial Education Directorates to set up structures for the prevention of addiction and drug trafficking. Technical advice has been requested from UNESCO, WHO and UNICEF for anti-drug education and the social reintegration of addicts. At the same time, anti-drug propaganda material - posters, calendars and educational leaflets - are being designed.

611. Preventive activities by the Government in 1998 included the organization of a march against drug consumption that took place in the main avenues of Maputo city, the production of placards, T-shirts and caps printed with anti-drug information, and lectures on the drug problem in municipal offices in three of Maputo city's urban districts. There were also door-to-door campaigns to make people aware of the evils of drugs.

612. Although the statistics indicate high levels of drug consumption and addiction among adolescents, there are as yet no specific institutions in the country to treat drug-addicted children. As an alternative, they are treated in the general services for patients at the Infulene Psychiatric Hospital, on the outskirts of the capital, at Maputo Central Hospital, and by mental health staff working in various hospitals of the country. The Infulene Psychiatric Hospital also plays an important role in caring for drug-addicted prisoners who request the hospital's services.

613. Hospital care can entail a voluntary or compulsory in-patient system, or an out-patient system, with external consultations and follow-up. Individual assistance is provided through an initiative promoted by the Psychotechnical Centre, and there is also group therapy every week on Thursdays, involving addicts' families.

614. Some Provincial Social Action Directorates have departments to counsel addicts, and carry out prevention and social readaptation activities in collaboration with the families of the addicts and their respective communities.

615. Meanwhile, a multidisciplinary technical commission was recently established to design the first project to set up a centre for the rehabilitation and social reintegration of addicts at Chihango, on the outskirts of Maputo. Contacts are under way with UNDP to obtain funding to extend these activities to the provinces.

616. Civil society also plays a significant role in caring for drug-addicted children and youths. A centre of the Sisters of Charity, in Mahotas, provides rehabilitation opportunities for addicts, and a non-governmental organization called REMAR facilitates the detoxification of addicts without using pharmaceuticals, using social reintegration and spiritual support. Access to these services is free of charge, in weekly sessions held every Thursday. So far, more than 600 young people have sought out these services, 65 of whom have received in-patient detoxification treatment.

617. There have been regular studies by civil society on drug consumption among young people, so as to better observe the incidence of narcotics consumption among this group and to understand the origins of the phenomenon. For example, a study by the organization Kubessa in seven schools in Maputo city and its suburbs, three of them primary schools and four secondary, covering 225 pupils and 20 households,[51] showed that 70 per cent of those surveyed consume alcohol and 26.9 per cent consume illicit drugs: among the latter, the most common is cannabis (Cannabis sativa), followed to a much lesser degree, and in descending order of importance, by hashish, heroin and morphine.

618. The study also found that girls[52] too consume alcohol and drugs, albeit to a lesser extent (21 per cent). Of those surveyed, 26 per cent began taking drugs at the age of 13. The highest level of drug consumption was among the 15-18 age group, and 7th grade was the group with the largest number of consumers (29.8 per cent).

619. Other initiatives by civil society, particularly in the areas of prevention and of care for drug victims, include the following:

> The television programme "Telecrescer", for counselling (aimed especially at students), and promoted by the Mozambican Association for Family Development;
>
> Spiritual cures, detoxification, counselling and professional training for former addicts, by the organizations REMAR and Desafio Jovem (Youth Challenge);
>
> Making street children aware of the dangers of drugs, as part of the various projects caring for this group;
>
> Public education and publicity, organized in communities and prisons by the organizations Kubessa, Prolide, Mavalane Nucleus;
>
> Discussions on the evils of drug consumption, promoted by the Mozambican Scout League;
>
> A radio programme on Maputo City Radio, promoted by Kubessa.

620. Similar initiatives by civil society organizations at provincial and district levels are still very weak. The National Network of Organizations against Drugs is planning publicity activities and attempts to stimulate partner organizations outside Maputo city, so as to strengthen the coalition of efforts in the struggle against the consumption of drugs and psychotropic substances.

621. The main legislative measures to protect children against the consumption of alcohol and tobacco are contained in article 7 of Law 6/97, which prohibits the sale, in any public place, of alcoholic drinks and tobacco to children under the age of 18. There is no specific ban on the sale to or use by children of solvents and other products that are toxic or otherwise prejudicial to children's health. Their handling and use are governed by the ethical and legal rules stipulated for each case. Unfortunately, the practice of inhaling glue and other solvents, common among street children in many countries, is also starting to appear among minors in Mozambique.

622. Despite the various above-mentioned prevention and combat initiatives, the current situation with regard to the traffic and consumption of drugs and narcotics in Mozambique continues to be a source of concern for the authorities. In its 1988 report, Government recognized that drug trafficking and consumption networks are increasing rapidly and are using meticulous forms of organization and operation, with a degree of sophistication that sometimes makes it difficult to bring criminal charges against those involved. This situation demands, among other things, improved methods for fighting this phenomenon, including more technical

training for staff involved in preventing and combating drug abuse, reducing the vulnerability of Mozambique's borders and other entry and exit points, institutional-capacity building, and strengthening the anti-drug education strategy at all levels.

3. Sexual abuse and sexual exploitation (art. 34)

623. The right of minors to protection against sexual exploitation and sexual abuse is not recognized in the Constitution. However, at the level of ordinary legislation this right is protected in several diplomas.

624. In a generic form, article 391 of the Penal Code imposes a prison sentence on anyone guilty of a sexual offence carried out with violence against a person of the other sex, whether to satisfy lascivious passions, or for any other motive. As regards children, this article specifically establishes that if the person offended is under the age of 16, the penalty will be the same, even if it is not proved that violence was used. In article 392, the Penal Code also establishes that seduction leading to the deflowering of a virgin girl aged between 12 and 18 shall be punished by a prison term of between two and eight years. Under article 394, this sentence shall be increased to between 8 and 12 years for the rape of a child under 12 years of age, if none of the circumstances mentioned in the previous article are proved.

625. Some provisions of the Penal Code advance the protection of minors against incitement or compulsion to engage in illegal sexual activity, or to be exploited for the purposes of prostitution or other illegal sexual practices. The penalties laid down for this type of practice are increased when those guilty are the child's parents, teachers or people charged with educating, guiding and looking after children, who use their influence or fear for their own lascivious purposes or illicit desires.

626. Inciting, promoting or facilitating prostitution or corruption of any minor by someone responsible for him or her, to satisfy the dishonest desires of another person, will lead the parent concerned to a prison term of one to two years and a corresponding fine, and the suspension of political rights for 12 years (art. 405 of the Penal Code). Should a guardian or any other person charged with educating or looking after a minor under 21 commit the same crime, he will be punished with a prison term of between six months and two years and a corresponding fine, as well as the suspension for 12 years of the right to be a guardian or member of any family council, and the right to teach, direct or apply for office in any educational establishment.

627. As regards protection for minors against the activity of any person who habitually promotes or facilitates sexual abuse, article 406 lays down a prison term of three months to a year, a corresponding fine and the suspension of political rights for five years for anyone who habitually favours or facilitates the debauchery or corruption of a minor under the age of 21, to satisfy the dishonest desires of another person.

628. The right to protection against sexual abuse is also covered in the Jurisdictional Statute of Assistance to Minors (Decree 417/71), concerning people who exercise parental power over minors. This decree determines that sexual abuse of the minor is just cause for restraining

parental power. Article 108 establishes that partial or total limitations on parental power may be requested, amongst other things, in cases where parents "incite their children to crime and to corruption".

629. As regards pornography and similar material, article 9 of this law subjects the exhibition, sale, hire or projection of films on video-cassettes to the prevailing rules covering the examination and classification of shows according to the minimum age of people who may watch them. It also requires establishments that display, sell or rent out films on video-cassettes to ensure that those banned to under-18s should be displayed in a strictly reserved area, where minors may not enter (art. 10).

630. As for access to places authorized to show films on video-cassettes, it is also compulsory to display, in a highly visible place, the classification of the film concerned and the fact that it is prohibited for under-18s whenever this is the case (art. 11). Those who violate this article will be fined 10 million meticais and will lose their licence for a period of six months (art. 21). If a second offence is committed, the punishment is a prison sentence of up to three months, a fine of between 10 million and 40 million meticais, and the closure of the establishment.

631. There was a great deal of prostitution in Mozambique during the colonial period. The golden period for prostitution was in the 1960s, with the advent of the National Liberation Struggle and the consequent growth in the size of the colonial army in Mozambique, as well as the large-scale presence of ships' crews and tourists.

632. After independence there was a policy of fighting prostitution. Brothels were closed and prostitutes were sent to re-education camps, resulting in an apparent interruption in the phenomenon. But in the 1980s, prostitution re-emerged openly, due to the intensification of the war, the consequent overcrowding of the cities, the concentration of large military contingents in the localities and on the roads along development corridors,[53] and the generalized poverty, also worsened by the impact of the economic recovery programme on the lives of the most vulnerable households.

633. It was in the 1990s that the phenomenon of prostitution began to take on worrying proportions, particularly in the country's main urban centres, because it brought with it a phenomenon previously unknown in Mozambican society - the growing and generalized use of children. Studies on child prostitution and the sexual abuse of minors indicate that the main causes of these phenomena are related to poverty, the deterioration of social and moral values, cultural alienation, and the decay of the family structure. Most of the children involved are girls from large families and who thus face great difficulties in surviving. The studies also confirmed the presence of adults, and even of organized networks of individuals who control the income from child prostitution, in which children from the age of nine upwards are involved.

634. A study on sexual abuse in 1997[54] noted that it is mainly perpetrated by relatives, through forced marriage, or through rape within marriage, or even as part of magical-religious practices. Sexual abuse by outsiders is normally rape with or without violence. Sexual abuse accounts for most cases of abuse against minors recorded in all the country's provinces.

635. By way of example, data from the Nampula Provincial Court show that between 1991 and 1996 seven individuals were detained on charges of raping girls aged between 3 and 14. The Attorney's Office in this province reports that in 1996 alone a further 16 individuals charged with indecent assault and rape against the same number of minors, aged between 10 and 16, were sentenced to prison terms ranging from two to eight years. In these cases, the perpetrators were known to the children, either through kinship, or because they were neighbours or otherwise known to the family. The same year, in Maputo city, the Forensic Medicine Department of the Maputo Central Hospital recorded a total of 87 cases of rape of girls aged between 3 and 18, which resulted in deflowering and genital injuries. The records of the Department of Obstetrics and Gynaecology of the same hospital show that, over the same period, it attended to 56 child rape victims.

636. The Child and Youth Psychological Rehabilitation Centre (CERPIJ) at the Maputo Central Hospital provides psycho-social rehabilitation activities for children and young people in clinical consultations. Children who are victims of sexual abuse are also treated in this centre. A statistical survey by the centre in 1997 found that, of 149 cases involving various types of violence (physical, sexual, domestic), more than half (81) involved sexual violence against children, most of whom were girls (there were only two cases of boys), aged between 2 and 18. The age group that suffered most cases was that of 13-year-old children, followed by 12-year-olds. In all, there were four cases of sexual violence against 2-year-old children. In 1998, CERPIJ handled 129 new cases, of which 96 (74 per cent) involved victims of sexual violence and abuse. This is a substantial rise - about 20 per cent - compared to the previous year.

637. In 1995, the Ministry for the Coordination of Social Action held the first seminar on prostitution and the sexual abuse of minors in Chimoio.[55] The seminar was held at a time when child prostitution had reached worrying levels because of the presence of large United Nations military contingents, after the signing of the General Peace Agreement. Attended by representatives of the Social Action, Justice, Education and Interior Ministries, and national and international non-governmental organizations, the seminar recommended the following actions:

(a) The revision of legislation on child prostitution and the sexual abuse of minors, and the implementation of this in such a way as to guarantee greater protection for children, and the application of severe punitive measures against abusers, promoters and facilitators;

(b) The development of public education programmes to alert families and society, including the children themselves, on the risks involved in child prostitution and sexual abuse, and calling for an attitude to protect children;

(c) The inclusion of themes related to this phenomenon in schools;

(d) The guarantee of legal, psychological and medical support services for victims.

638. Alongside these recommendations on legislation, a new law was adopted by the Assembly of the Republic in 1998 that partially filled the legislative vacuum in the protection of minors against sexual exploitation. This new Law 6/99 regulates the access of minors to public places of nocturnal entertainment. It forbids children under 18 years of age from entering cabarets, night clubs and similar places normally associated with the hotel and tourism industry,

the purpose of which is to carry out entertainment, including songs and dance. This provision seeks to protect children against their growing participation in entertainment shows, particularly in dance, song and striptease shows to entertain clients. Article 3 of this law also bans minors under 16 years of age from discotheques and similar places providing nocturnal entertainment activities.

639. There are heavy penalties for those who break the law, penalties envisaged in the penal legislation on crimes of corruption and depravity. The penalties are increased when the offenders are responsible for the children, or in charge of these places of entertainment. Thus, article 14 establishes that these penalties apply to the father, mother, legal representative or any other person who facilitates, promotes, or in any way instigates the entry or presence of minors in the public places mentioned in the previous paragraphs, as well as their participation in activities to entertain clients. When the instigator is the owner or manager of the respective public place, he will suffer the additional penalty of the suspension of his activity and the closure of the establishment for a year. In the event of a second offence, the offender shall lose his licence.

640. Also in response to the Chimoio seminar, as well as the recommendations of the World Congress against Commercial Exploitation of Children, held in Stockholm in 1996,[56] a Campaign against Child Prostitution and the Sexual Abuse of Minors began in 1997, involving the Ministries of Social Action, Health, Justice, the Interior and Education, the Attorney-General's Office and non-governmental organizations, under the slogan "Break the silence and end child prostitution". The President of the Republic launched the campaign officially during the celebrations of 1 June 1997. The President told the nation that the Government was prepared to act against the phenomenon, and urged all of society to commit itself to protecting children.

641. In order to make families and society aware of the need to protect children, as part of the campaign meetings were held with associations and NGOs linked to children and to women, with representatives of religious bodies, and with journalists. These meetings sought to inform the participants about the phenomena and persuade them to take part in the campaign. The response to the appeal was satisfactory: the issue was raised in the media, particularly on Radio Mozambique and Mozambican Television which provided free air time for debates on these issues. Religious bodies organized lectures for young people.

642. The campaign also produced and broadcast announcements in Portuguese and in Tsonga[57] on the national station of Radio Mozambique and on the Maputo and Gaza interprovincial station. There were a total of 45 such announcements. Four publicity spots were shown by Mozambican television to alert the public about protecting children. Public figures took part in these announcements, including Graça Machel, the widow of Mozambique's first President, a well-known musician, and Catholic Church dignitaries. There were 50 broadcasts of these spots during peak viewing time on the country's main television stations.

643. Another important part of the campaign was the organization of several debates with members of youth associations. About 300 young members of these associations took part. The meetings discussed the phenomena, their causes and consequences, and the role of the youth associations in preventing them. Following the debates, and in coordination with the same youth associations, a festival against child prostitution and the sexual abuse of minors was held in

Polana-Caniço, one of the most populous neighbourhoods of Maputo, involving about 150 children. During the festival a small debate was held, and dances and theatre about the subject were presented and leaflets and educational posters distributed. The same activities were later repeated in a secondary school, in the Maputo suburbs of Mafalala and Chamanculo, and in the city of Matola.

644. In these debates and consultations with youth associations and groups of parents and community leaders, the participants confirmed that the main causes were the deterioration in moral values and the weakened role of the family in educating children. It was also felt that the laws protecting children and the performance of the agents of law and order need strengthening in order to guarantee more effective protection of children against prostitution and sexual abuse.

645. The Ministries of Social Action and the Interior, in coordination with the Attorney-General's Office, also held a seminar for 63 policemen from 18 Maputo city police precincts on matters related to the rights of children and the causes, consequences and evolution of child prostitution and the sexual abuse of children in the country. The same seminar analysed the legal aspects of the problem and discussed ways of dealing with it, emphasizing the role of the police in protecting children, especially the victims of sexual abuse.

646. In addition to staff from MICAS and the Ministry of the Interior, other participants in the seminar included a psychologist from the psychological rehabilitation centre at Maputo Central Hospital, a jurist from the Maputo City Law Court, and an official from the minors' section of the City Court. The seminar confirmed the police's poor knowledge of the main legislation protecting children from prostitution, as well as their ignorance of children's rights, particularly the right to protection. In addition, there was also lack of guidance on the role of police intervention in this field, as well as an absence of institutions dedicated to the recovery of the child victims.

647. The ignorance of the police on legal matters was confirmed, for example, by their tendency to hold the child responsible for situations of sexual abuse. This ignorance was clear in the statements from some participants that "it's the children who incite, and the men are unable to resist ...". To continue work with the police and ensure that measures are taken to protect children, actions to follow up and monitor the work of the participants were envisaged, including further training sessions. In collaboration with civil society bodies and organizations, four plays were produced and presented, and the first volume of a brochure to publicize legislation protecting children against child prostitution and sexual abuse was published. Entitled "Sexual Abuse is a Crime!", 2,000 copies were printed and distributed free of charge. In addition, 5,300 copies of various texts containing the legislation on the subject were distributed to public officials, policemen, students and the public in general. Some 10,000 copies of two posters containing the messages "Abusing Children is Abusing Your Own Future", and "Break the Silence and End Child Prostitution!", 10,000 stickers and 2,000 calendars were also produced and distributed to public and private institutions and associations and displayed in public places.

648. In order to better understand the scale of the prostitution problem and the sexual abuse of minors, a coordinated survey was undertaken in Maputo city and province, centres of child

prostitution, involving social action staff, street educators and representatives of other bodies. This work also involved other sectors, such as Health, Education, Tourism, the police and the courts.

649. Preliminary data indicate that 98 per cent of the children interviewed are girls, and 26 per cent of the children are aged between 10 and 14. Only 14.1 per cent attend school. Of the remainder, 69 per cent dropped out for lack of money to continue their studies. Only 12 per cent of these children attended second-level primary education, and 7.4 per cent attended secondary school. Of the children attending school, only 6 per cent went to secondary school. Asked about their first sexual relationship, it was found that 22 per cent of the children had been raped, most of them by close relatives (fathers, brothers-in-law, godfathers, etc.), or by neighbours or school colleagues. Of those children whose sexual life began with rape, 39.3 per cent had their first sexual relationship when they were less than 15 years old.

650. As for what they do with the money they earn from prostitution, 46 per cent of the children said they used the money to buy clothes and shoes, and 37 per cent say they use it to feed themselves and their families. Asked what they know about sexually transmitted diseases, it was found that 91 per cent of the children have some knowledge, and that 48 per cent had already contracted STDs, mostly gonorrhoea. The children's views on their future hold out a certain hope, in that some wish to continue studying, and to acquire a profession and a home. Only 14 per cent said they had no aspirations for the future.

651. The survey is still ongoing, in order to obtain information about cases of the sexual abuse of children being cared for in various institutions, as well as on the type of services provided. Meanwhile, activities to address the problem are being implemented in several parts of the country, in an attempt to guarantee a healthy occupation and offer alternatives to the children involved. With the support of various international partners, religious bodies and civil society in general, several projects for vocational activities are under way, such as the enrolment of 70 children in typing, needlework and batik courses in Tete province. They are also benefiting from credits for income-generating activities, with the financial support of a Norwegian NGO.

4. Sale, trafficking and abduction (art. 35)

652. The constitutional text indirectly protects citizens against sale, traffic and abduction, since these are assaults against the human person, and article 70 establishes the right of citizens to life, to physical integrity and not to be subjected to cruel or inhuman treatment. The abduction of a human being, of whatever age, is regarded as a crime against his or her freedom, and is therefore punishable in terms of the law. Apart from this constitutional provision, all the principles on protecting citizens against these crimes, arising from the international instruments on human rights and children's rights mentioned throughout this report, are applied in Mozambique.

653. Relevant legislation on minors establishes that the deliberate denial of a minor's right to a family is considered a crime. Article 342 of the Penal Code imposes a prison sentence of two to eight years on anyone who, by violence or by fraud, takes, or has someone else take, a child under seven years of age from his or her house or the place where, with the authorization of

parents or guardians, he or she is staying. When the minor concerned is under 21, the individual will receive a prison term, but without prejudice to a heavy penalty for the crime of private imprisonment, if this took place (art. 343).

654. Keeping a minor hidden, exchanging one minor for another, or leading a minor astray are offences carrying prison sentences of two to eight years if the victim is under 18. Those who refuse to reveal the whereabouts of such minors may be sentenced to prison terms of between 16 and 20 years (art. 344). In cases where individuals entrusted with looking after a minor do not present him to those who have a right to demand the minor's presence, and do not justify the minor's disappearance, they may be sentenced to two to eight years' imprisonment, under the same article (para. 3).

655. Under article 395, paragraph 1, of the Penal Code, the abduction of a minor under the age of 12 for dishonest purposes is always regarded as a violent act. The abduction of a virgin girl aged between 12 and 18 is regarded as an aggravating circumstance in cases of rape; should the rape not be consummated, abduction by seduction is punished with up to a year's imprisonment.

656. A further legal provision concerning the protection of children in this context is contained in article 340 of the Penal Code. This punishes any childless woman who claims the child of another as her own, or who replaces her own child, live or stillborn, with another. The penalty for these crimes is a prison term of between two and eight years. The same penalty is imposed for complicity by the woman's husband or anyone else who, knowing about the offence, consented to it.

657. The abduction of minors was a very common practice during the last war, and was one of the main causes of the separation of children from their parents and their families. The abducted children were generally used to carry goods looted during attacks by the rebel forces. They were later used for various activities in the bases of these forces. In some cases this included military training and participation in combat, as described in chapter VIII.A.2 above. Even with the re-establishment of freedom of movement after the war, and after troop demobilization and the massive return of people who were displaced or held captive by the rebels, more than 16,000 disappeared children were being sought by their parents.[58]

658. In the years following the establishment of peace, there were frequent rumours about children who had disappeared. They were reportedly murdered and their body parts sold in neighbouring countries, allegedly for use in traditional rituals related to the acquisition of power and wealth. In some Mozambican cities on occasion citizens suspected of kidnapping minors have been lynched, but no case of such an abduction has been fully clarified and confirmed by the police and judicial authorities. But the recent detention in Maputo of an individual who was carrying a human head, as well as the case of a child murdered and dismembered by a relative (described in IV.H above) confirm that such horrific acts do indeed take place in Mozambique.

5. Other forms of exploitation (art. 36)

659. During the drafting of this report, the growing phenomenon of the exploitation of child beggars was reported in several provincial capitals. Except for cases in which the children are accompanying elderly or disabled members of their own families who are begging for alms, the

practice has caused concern. Children of poor families are being "contracted" to accompany neighbours, or other disabled and elderly people who are not members of their family, with the promise of a certain percentage of the money gained at the end of the day. In many of these cases, the child does not benefit, at least not directly, from the income obtained and the activity sometimes prevents children from attending school. A further negative aspect is that it brings children into permanent contact with the underworld of street life, exposing them to the dangers of this situation, and could make a child a potential candidate for living in the street.

660. The exploitation of domestic work also deserves attention in this chapter. Children, particularly girls, are taken from rural areas to the cities in order to look after the younger children of their relatives in exchange for food, clothing and, in a very few cases, school attendance.

661. In some parts of the country, mainly the rural areas, it is frequent for child labour to be used in schools, and for the respective teachers to use child labour. This use of the pupils' labour is quite separate from the case in which manual labour is an educational and productive extracurricular activity (for instance, cleaning classrooms and playgrounds, planting trees and flowers, etc., normally on Saturday mornings). The phenomenon mentioned here comprises work that benefits the teachers, such as fetching building materials for the teacher's house, agricultural work on the teacher's field, fetching water and washing clothes, among other activities.

662. In addition, in some centres and projects caring for supposed street children, the children resident there are employed in producing articles for sale and for raising funds for the institution. Once again, this goes beyond the simple educational and formative character of manual work, since the activities are undertaken during a great part of the day, in the name of providing the sustainability of the centre.

D. Children belonging to a minority or to an indigenous group (art. 30)

663. As already mentioned, the Constitution establishes the equality of rights of citizens, regardless of their colour, race, ethnic origin, place of birth, religion, or social position. This immediately eliminates discrimination against children for any reason.

664. Although there is great cultural and religious diversity in Mozambique, characterized by the existence of various ethnic and linguistic groups, no special forms of discrimination against any social group are known in the country. As mentioned in the relevant chapters throughout this report, citizens are guaranteed their rights to cultural life, to profess their own religion, and to use their own language. Indeed, bilingual teaching was recently introduced into the country's educational system.

Notes

[1] Project on Legislation on Minors, Terms of Reference, MICAS 1998.

[2] The situation where in certain circumstances legal rights of adulthood are authorized by parents or guardians.

[3] Demographic and Health Survey (DHS) NIS/MISAU, 1998.

[4] The minimum age for military service is the same as under the previous law in force during the last war.

[5] One significant lesson is the way in which Mozambican communities affected by the war, who were sometimes on opposite sides during the conflict, met again in an environment of peace, tolerance and reconciliation. There were no conflicts or serious cases of discrimination against either former soldiers and their children or children and families who returned from exile or from displaced person's camps.

[6] B. Walker and A. Sultan. Children with special needs in Zambezia and Inhambane, Save the Children Foundation UK, Maputo, 1996.

[7] One of the possible symbolic outcomes of this could be the gradual abandonment of the common deprecatory term that used to be applied to street children in urban areas in the south of the country - moluenes, meaning "delinquents", "those who sweep up the rubbish", and "dirty".

[8] The National Action Plan for the Child described in paragraph 26 is still being discussed, and is not clear on this aspect.

[9] Demographic and Health Survey, 1997.

[10] Speech by Mozambique's Minister of Defence at the Maputo Demining Conference, 3 May 1999.

[11] Source: National Campaign Against Mines, the Problem of Mines in Mozambique, Message on the occasion of the First Conference of States Parties to the Ottawa Convention, Maputo, May 1999.

[12] In 1988 children from Lhanguene were taken to Germany and Zimbabwe where they recounted the horrors they had experienced. In 1993 a former child soldier reunited with his family in a remote rural area of Gaza and who had been filmed by a team from the ABC News television station was taken to the United States of America, without receiving any benefit, merely to be present at a ceremony in honour of the film's director.

[13] Source: "Adoptive mother tries to kill children in SOS village". DEMOS newspaper, 25 February 1988, p. 11 and Maputo Directorate for the Coordination of Social Action, memorandum to MICAS, ref. 179/AEAS-6/99.

[14] Preliminary report of the Subcommission on the Reform of Family and Inheritance Law, Ministry of Justice, February 1999.

[15] See the chapter on adoption below.

[16] Decree 16/88 of 27 December - Regulations of the Social Fund for Drugs and Child Food Supplements, article 9.

[17] Estimated to be around 250,000 - UNICEF, 1988.

[18] Cases of children who were admitted when they were very young, have been resident for a long time and whose family reintegration was not possible.

[19] SEAS activity report, 1990-1993.

[20] Despite the fact that this attitude is liable fot punishment under articles 347 and 348 of the Penal Code.

[21] During the preparation of this report, some Provincial Directorates of Social Action denounced the refusal of some centres to allow them access to the centres and to information about how they were functioning.

[22] The differences between the two sources are due to different data collection methodologies.

[23] Source: HIV/AIDS estimates using EPIMODEL for Mozambique and the provinces, taking into account various scenarios, according to 1994 Epidemiological Surveillance data.

[24] Understanding Poverty and Well-Being in Mozambique: the First National Assessment (1996-97). Ministry of Planning and Finance, Eduardo Mondlane University, International Food Policy Research Institute. December, 1998.

[25] National Human Development Report, UNDP, 1998.

[26] Ibid.

[27] DHS 1997.

[28] Relatório de Balanço, Ministério das Obras Públicas e Habitação, 1998.

[29] DHS 1998.

[30] Relatório de Balanço do MOPH.

[31] A Zone of Pedagogic Influence is a series of schools located in a particular catchment area, whose teachers jointly benefit from continual upgrading in the school that operates as the ZIP headquarters.

[32] World Declaration of Education for All, 1990.

[33] "Continuadores" means "those who continue".

[34] Approved by resolutions 11/88 and 12/88, of 25 August, respectively.

[35] Before the outbreak of genocide and the ensuing conflicts in the Great Lakes region, the movement of Mozambican refugees was considered the largest in Africa (UNHCR 1992).

[36] Rebuilding a War-Torn Society, A Review of the UNHCR Reintegration Programme for Mozambican Returnees, 1996.

[37] UNDP, Rebuilding Mozambique, Maputo, 1990.

[38] Children on the Front Line: the Impact of Apartheid, Destabilization and Warfare on Children in Southern Africa, UNICEF, New York.

[39] Boothby, N., Sultan, A., Upton, P., "Children of Mozambique, the Cost of Survival", Oxford University Press, 1991.

[40] The Family Location and Reunification Programme (FLRP), for example, assisted only about 20,000 children out of the estimated 250,000; organized repatriation was used by less than 40 per cent of the refugees, with the majority returning spontaneously.

[41] In early 1994, the now defunct "Children and War" project had a register of more than 10,000 people linked to these networks, with whom it established contact in several of the country's provinces.

[42] Ressler E., Boothby N., Steinbock D., "Unaccompanied Children, Care and Protection in Wars, Natural Disasters and Refugee Movements", Oxford University Press, 1988.

[43] A psychosocial rehabilitation project named "Consolation" intended for Mozambican refugee children in Malawi was soon being described as "a school for crazy kids" by the other refugee children.

[44] The muharossis were boys aged 10-15 sent by their parents to join the "naparama" armies, and thus help defend their communities.

[45] Assistance to Children Affected by the War Today: Programmes, Priorities and Perspectives. CDF, Maputo, 1997.

[46] Source: Report on the Implementation of the Convention on the Rights of the Child, in Cabo Delgado province. Government of Cabo Delgado Province, Pemba, 1998.

[47] Source: Provincial Report on the Implementation of the Convention on the Rights of the Child, Government of Manica Province, Chimoio, 1998.

[48] Report on the Implementation of the Convention on the Rights of the Child, Tete, 1998.

[49] Source: Department of Employment Analysis.

[50] Report of the Government on the Evolution of the Consumption and Illicit Traffic in Drugs during 1998.

[51] Impact of Drug Consumption on the Student Population in Maputo city, Kubessa, 1998.

[52] Among those surveyed, girls accounted for 25 per cent of those who consumed alcohol and 34 per cent of those who took illicit drugs.

[53] The Nacala corridor in the north, the Tete and Beira corridors in the centre and the Maputo corridor in the south.

[54] Bagnol, Brigitte, Diagnosis of the Sexual Abuse and Sexual Exploitation of Children in Maputo and Nampula, 1997.

[55] Chimoio, which lies on the Beira corridor, is an area known for a high incidence of child prostitution, and where there is also a high prevalence of HIV/AIDS.

[56] Where the Mozambican Government was represented by the Deputy Minister of Social Action.

[57] The main language group in southern Mozambique.

[58] Children and War Project, 1994.
